

To: Senate Federal and State Affairs Committee
Senator Jacob LaTurner, Chair

From: Kathleen Selzler Lippert, JD Executive Director
Kansas State Board of Healing Arts

Date: February 2, 2017

Subject: SB 76 Professional Occupations; restrictions on fees and licensing requirements
Opponent Testimony

The Kansas State Board of Healing Arts (KSBHA) appreciates the opportunity to provide testimony on HB 2456. The KSBHA presently licenses and regulates multiple health care professions. The mission of the KSBHA is to safeguard the public and strengthen the healing arts.

SB 76 proposes carte blanche reciprocity for any person holding a current license in good standing from another state. Additionally, SB 76 proposes limitations on political subdivision and state licensing agency licensure and regulation. State licensing agency limitations set forth in SB 76 would require all state licensing authorities to waive all occupational fees for low-income and military families and sets forth time limits for application processing.

Reciprocity for any person holding a current license in good standing from another state is contrary to legislative intent for the healing arts act. The legislative intent for the healing arts act provides that a license only be issued to a person who demonstrates the statutorily required character and competence to hold a professional medical license.

The conflict between existing legislative intent and the provisions in SB 76 for reciprocity are clearly illustrated by providing a few examples of individuals who were licensed by another state but would not have received Kansas licensure.

Articles for five different situations are attached to illustrate concerns related to reciprocity; these examples are summarized below:

1. January 13, 2016 article: Tulsa doctor pleads guilty to federal child porn charge in Missouri.
 - Dr. Coleman was arrested for crimes involving sexual abuse of a minor in September 2013.
 - Dr. Coleman plead guilty in federal court to using a minor to produce child pornography in January 2016.
 - Oklahoma licensure board took action to prohibit him from practicing in May 2014.
 - If Dr. Coleman had applied for a Kansas medical license any time between September 2013 (his arrest) and May 2014 (Board action by Oklahoma) an 8-month window; SB 76 would have required that he be licensed to practice medicine and surgery in Kansas.
2. October 4, 2014 article: Georgia board licenses doctors other states won't.
 - Dr. Armando Sanchez was convicted of solicitation of capital murder after he was accused of trying to hire a hit man to kill a disgruntled patient in Houston. The Texas and California medical boards revoked his license. He was subsequently granted a medical license in Georgia.
 - Dr. Armando had a felony person conviction and the victim of the crime was related to his practice as a medical professional. Further, he had his medical license revoked by two different medical boards. It is unlikely that he would have been granted a medical license in Kansas even if he had a medical license in Georgia.
3. November 23, 2013 article: VA doctor loses license for behavioral troubles deceiving board
 - Dr. Kelly Humphery held a medical license in Oklahoma and moved to Kansas to practice in the Topeka VA. Dr. Humphery applied for a Kansas medical license. Dr. Humphery was revoked in Oklahoma. Due to adverse information she was never granted a Kansas license and ultimately her Oklahoma medical license was revoked.
4. October 27, 2016 article: Onetime doctor sought revenge after being fired, convicted on 4 murder charges
 - Dr. Anthony Garcia was fired from a Creighton University medical residency program in 2001. He failed to complete a New York residency program after being suspended for unprofessional conduct. Subsequently, he was dismissed from a residency program at the University of Illinois at Chicago. He was denied a medical license in Indiana and Louisiana. He maintained a medical license in good standing in Illinois.
 - In 2008, the son and a housekeeper of a Creighton medical residency program director were stabbed to death.
 - In 2013 another Creighton medical school faculty member and his wife were shot and killed.
 - A comprehensive investigation ultimately links the 2008 and 2013 slayings and Dr. Garcia was convicted of 4 counts of murder in October 2016.
 - Dr. Garcia was fired, suspended, and / or otherwise removed from multiple residency programs. It is very unlikely that he would have been granted a medical license in Kansas even if he had a medical license in Illinois.
5. October 13, 2015 article: Tennessee sometimes takes years to discipline doctors.
 - The state of Illinois has faced enormous budget deficits and as a consequence Illinois has under-funded or defunded many regulatory agencies (like the Illinois medical board) who are now unable to perform their public safety functions. This is not unique as other states have reduced medical board funding resulting in resource deficits that adversely impact the agency's ability to perform their regulatory functions.

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Simple reciprocity would require Kansas to issue a medical license to individuals like:

- Dr. Coleman who was arrested for child sex crimes if he applied after his arrest and prior to his home state taking licensure action 8 months later.
- Dr. Sanchez who was convicted of capital murder and the victim was a former patient because he holds a license in good standing in another state.
- Dr. Humphery who provided deceptive information to gain licensure in a sister state.
- Dr. Garcia who failed multiple residency programs.

Simple reciprocity exposes Kansas citizens to medical professionals who do not meet statutory character and competence requirements and place the life, health, and safety of Kansans at risk.

The provisions of SB 76 that waives all occupational fees for low-income and military families would adversely impact the agency's ability to perform their regulatory functions.

Additionally, 2012 session considered HB 2178 which resulted in K.S.A. 48-3406 provides for endorsement of properly licensed military service member or their spouse while ensuring the legislative intent providing for character and competence.

48-3406. Expedited state licensure procedure if licensed, registered or certified in another state for military service members or military spouses. (a) For the purposes of this section:

(1) "Licensing body" means an official, agency, board or other entity of the state which authorizes individuals to practice a profession in this state and issues a license, registration, certificate, permit or other authorization to an individual so authorized;

(2) "military service member" means a member of the army, navy, marine corps, air force, air or army national guard of any state, coast guard or any branch of the military reserves of the United States; and

(3) "military spouse" means the spouse of an individual who is currently in active service in any branch of the armed forces of the United States.

(b) Notwithstanding any other provision of law, any licensing body shall:

(1) Upon submission of a completed application, issue a license, registration or certification to a nonresident military spouse, so that the nonresident military spouse may lawfully practice the person's occupation; and

(2) upon submission of a completed application within six months following release from military service, issue a license, registration or certification to a military service member with an honorable discharge so that the military service member may lawfully practice the military service member's occupation.

(c) A military service member with an honorable discharge or nonresident military spouse shall receive a license, registration or certification under subsection (b) of this section:

(1) Pursuant to applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state for the profession license, registration or certification within 60 days from the date a complete application was submitted; or

(2) if the professional practice act does not have licensure, registration or certification by endorsement, reinstatement or reciprocity statutes, then, at the time of application, the military service member or nonresident military spouse:

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- (A) Holds a current license, registration or certification in another state, district or territory of the United States with licensure, registration or certification requirements that the licensing body determines are equivalent to those established by the licensing body of this state;
- (B) has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension or revocation or that the applicant has never been censured or had other disciplinary action taken or had an application for licensure, registration or certification denied or refused to practice an occupation for which the military service member or nonresident military spouse seeks licensure, registration or certification;
- (C) has not been disciplined by a licensing, registering, certifying or other credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding conducted by a licensing, registering, certifying or other credentialing entity in another jurisdiction nor has surrendered their membership on any professional staff in any professional association or society or faculty for another state or jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action in a Kansas practice act;
- (D) pays any fees required by the licensing body of this state; and
- (E) submits with the application a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate. Upon receiving such affidavit, the licensing body shall issue the license, registration or certification within 60 days from the date a complete application was submitted, to the military service member or nonresident military spouse on a probationary basis, but may revoke the license, registration or certification at any time if the information provided in the application is found to be false. Any probationary license issued under this subsection to a military service member or nonresident military spouse shall not exceed six months.
- (d) Any person who has not been in the active practice of the occupation during the two years preceding the application for which the applicant seeks a license, registration or certification may be required to complete such additional testing, training, mentoring, monitoring or education as the Kansas licensing body may deem necessary to establish the applicant's present ability to practice with reasonable skill and safety.
- (e) A nonresident military spouse licensed, registered or certified under this section shall be entitled to the same rights and subject to the same obligations as are provided by the licensing body for Kansas residents, except that revocation or suspension of a nonresident military spouse's license, registration or certificate in the nonresident military spouse's state of residence or any jurisdiction in which the nonresident military spouse held a license, registration or certificate shall automatically cause the same revocation or suspension of such nonresident military spouse's license, registration or certificate in Kansas. No hearing shall be granted to a nonresident military spouse where such nonresident military spouse's license, registration or certificate is subject to such automatic revocation or suspension except for the purpose of establishing the fact of revocation or suspension of the nonresident military spouse's license, registration or certificate by the nonresident military spouse's state of residence.
- (f) In the event the licensing body determines that the license, registration or certificate currently held by the military service member or nonresident military spouse under subsection (c)(2)(A) is not equivalent to those issued by the licensing body of this state, the licensing body may issue a temporary permit for a limited period of time to allow the military service member or nonresident military spouse to lawfully practice the military service member's or nonresident military spouse's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that was not required in the state, district or territory of the United States in which the military service member or nonresident military spouse was licensed, registered, certified or otherwise credentialed.
- (g) A licensing body may grant licensure, registration, certification or a temporary permit to any person who meets the requirements under this section but was separated from such military service under less than honorable conditions or with a general discharge under honorable conditions.
- (h) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.
- (i) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

We respectfully request that the Committee not pass SB 76.

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Tulsa doctor pleads guilty to federal child porn charge in Missouri

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Posted: Wednesday, January 13, 2016 12:01 am | Updated: 1:47 am, Wed Jan 13, 2016.



Coleman

By CURTIS KILLMAN World Staff Writer | 3 comments

SPRINGFIELD, Mo. — A Tulsa doctor pleaded guilty Tuesday in federal court to using a minor to produce child pornography.

Shelby J. Coleman, 38, whom federal officials identified as a partner of Tulsa Women's Health Care, pleaded guilty to the sexual exploitation of a child in connection with sexual communications he had with a 16-year-old boy from Laclede County, Missouri.



In his plea, Coleman admitted to communicating with the minor, who sent sexually explicit images of himself at the doctor's request, according to a news release from Tammy Dickinson, U.S. Attorney for

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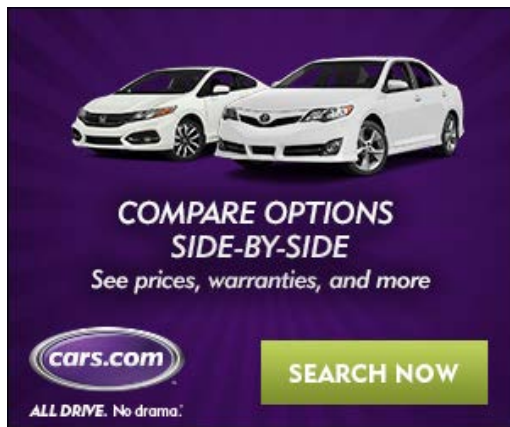
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the Western District of Missouri.

Coleman was arrested Sept. 28, 2013, after he traveled to Springfield to meet the youth for a sexual liaison.

Prior to his arrest, Coleman had been communicating with a Missouri State Highway Patrol trooper who had assumed the identity of the 16-year-old after the

minor's father discovered text messages implicating Coleman.

After his arrest, Coleman told investigators that in the previous four to six months he had had sexual encounters with three other minor boys at his south Tulsa home on separate occasions, including a Broken Arrow youth.

The Oklahoma State Medical Licensure Board website shows Coleman's medical license as "inactive" after he agreed to not practice.

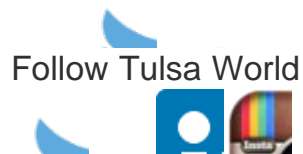
Coleman, who has been in federal custody since his arrest, could be sentenced to a no-parole prison term of 15 to 30 years.

He will be sentenced after a presentence investigation by the U.S. Probation Office.

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Homicides*	3
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Robberies	66
Aggravated Assault	156
Burglary	394
Larceny	910
Auto Theft	280

Crimewatch Documents



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Tulsa regional boundaries



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Tulsa Police and Fire Departments

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Georgia board licenses doctors other won't

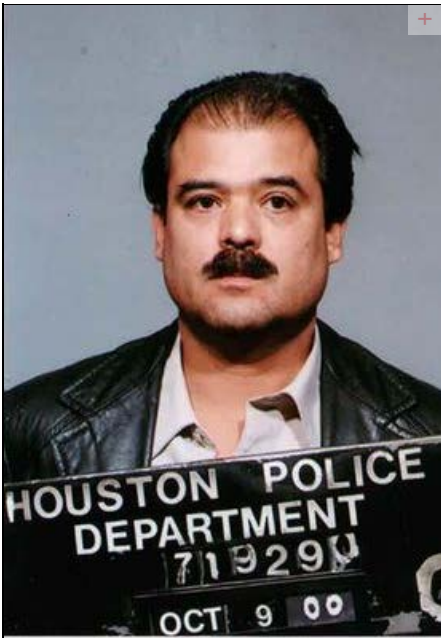
Posted: 12:00 a.m. Saturday, Oct. 4, 2014

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By **Danny Robbins** - The Atlanta Journal-Constitution

In a building that once housed a taxi service, Dr. Armando Sanchez plies his trade.

"Abierto Los 7 Dias" — open seven days — reads the sign out front at the Sanchez Medical Clinic, wedged among the auto insurance agents and pawn brokers on Windy Hill Road in Smyrna.



This is the police mug shot of Dr. Armando Sanchez, who pleaded no contest in Texas in 2002 to solicitation of ... [Read More](#)

Sanchez, 59, has been practicing there since earlier this year.

The question for some is, should he be practicing medicine at all?

Twelve years ago, Sanchez pleaded no contest to solicitation of capital murder after he was accused of trying to hire a hit man to kill a disgruntled patient in Houston.

The medical board in his home state of Texas took away his license and refused to reconsider. The board in California, where he also held a license, did the same.

But in Georgia, the disgraced doctor found a board willing to give him a second chance.

In agreeing to license Sanchez, the Georgia Composite Medical Board was going down a familiar road.

For decades, physicians whose misconduct caused other states to reject them have been given the green light to practice in Georgia, typically through decisions made largely behind

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Q&A on the News



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John Lewis on Sanders' civil rights work: 'I never saw him'



Long in Clinton's corner, black voters begin to notice Sanders



Just how harshly has Bernie Sanders criticized President Obama? Let's break it down



Sanders wins on points, but doesn't take any of Clinton's turf



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The scoop on Friday, Feb. 12: 5 things to know this morning



Dr. Armando Sanchez operates this clinic in Smyrna.

closed doors, an Atlanta Journal-Constitution investigation found.

The AJC examined more than 500 licensing and disciplinary decisions involving Georgia physicians. On nearly two dozen occasions, the newspaper found, the board allowed physicians cited for criminal offenses or other types of improper behavior to practice in Georgia when boards in other states, reviewing the same matters, told them no.

Some committed financial crimes or similar transgressions that likely wouldn't directly affect patients. But others had inappropriate sexual relations with patients or engaged in other types of misconduct that would leave physical or emotional scars.

- [Doctor's troubles began in Tennessee, continued in Georgia](#)
- [Medical board order for Dr. Sanchez](#)
- [Dr. Sanchez court document](#)
- ['Trust system' allows Georgia doctors to omit black marks on records](#)

It's not uncommon for state medical boards to disagree on how certain types of misconduct should be punished, according to people who closely monitor board actions nationally. On occasion, one state will allow a physician to practice when another will not, they said.

But, they said, some of the cases examined by the AJC leave Georgia's board open to criticism.

"When the people in state X are protected from this guy and those in state Z are not, it seems a little strange to me," said Ruth Horowitz, a New York University sociology professor who wrote a book on physician licensing.

When the former chairman of the Texas Medical Board was told that Sanchez had been licensed in Georgia, his first response was, "Wow."

The murder-for-hire plot "just smacked of somebody you wouldn't want to be your doctor," said Dr. Lee Anderson, a Fort Worth ophthalmologist.

Prosecutors in Houston, with evidence that included secretly-recorded conversations, charged Sanchez with arranging to pay a police officer \$20,000 to kill a patient with whom he had a disagreement over a workers' compensation claim.

The plea agreement allowed Sanchez to receive 10 years' deferred adjudication, meaning his case would be dismissed by completing the terms of probation, and it did not require that he surrender his medical license.

Nonetheless, the Texas board revoked his license, ruling that he had "committed unprofessional and dishonorable conduct that was likely to injure the public."

'We just see things differently'

The AJC also found that the Georgia board has given its OK to at least five physicians whose sexual misconduct or serious drug and alcohol problems caused other states to deny them licenses.

In one of those cases, Georgia agreed to reinstate a physician dismissed from the Air Force for having sex with two female patients, one of whom was a teenager. Ohio would not.

Both states revoked the physician's license after his court martial, but the Ohio ruling was permanent. The Ohio board based its decision on a hearing examiner's report that said the physician had not accepted responsibility for his actions.

"The board takes any kind of inappropriate relationship (with a patient) so seriously that it often permanently revokes (a license)," said Aaron Haslem, the former executive director of the Ohio board.

In another case, a physician who was sentenced to prison for exchanging prescription drugs for sex more than 100 times had his license reinstated in Georgia but not in Virginia.

A spokeswoman for the Virginia Board of Medicine declined to comment beyond the board's order denying the physician's reinstatement, which simply recounted the elements of the crime.

"In seeking reinstatement, it is the petitioner's burden to prove he is safe and competent to return to practice," Diane Powers, director of communications for the Virginia Department of Health professions, wrote in an email.

And, in yet another case, an emergency room physician who missed a shift after he was found unresponsive in a hotel room has regained the ability to practice in Georgia but not in Alabama.

The physician, who later admitted to drinking alcohol and taking Ambien to assist in his work, can't practice in Alabama until he submits a detailed practice plan, a requirement that wasn't imposed in Georgia.

"We just see things differently," said Larry Dixon, executive director of the Alabama Medical Board. "When you find an ER physician unresponsive because of alcohol or drugs, you're very careful with letting them back in."

Public Citizen, the nonprofit consumer advocacy organization, has for years ranked state medical boards by calculating the number of serious disciplinary actions per 1,000 doctors. In the group's most recent analysis, published in 2012, Georgia ranked in the bottom fourth.

But no one has evaluated how states view the same forms of misconduct, an area that, according to the director of Public Citizen's health research group, would have major importance to consumers.

"That lack of consistency is certainly cause for concern, particularly when you're talking about significant issues like hiring a hit man," the director, Dr. Michael Carome, said. "I mean, that's just extraordinary. Why would anyone think that person should be a licensed physician anywhere?"

Board: We're careful

No one affiliated with the Georgia board queried for this story would comment on specific cases, citing state law that makes investigations and licensing applications confidential.

However, in a series of interviews, board members and other officials stressed that the board is careful to ensure that the physicians it licenses pose no danger to the public. They further noted that physicians whose pasts include serious misconduct are only licensed with conditions that, at least in the short term, require that their practices be monitored.

"I can't go case by case, but I can give you a scenario," said Dr. David Retterbush, the Valdosta surgeon who currently serves as the board's chairman. "An individual will go to treatment, have advocates who say, 'This person is rehabilitated. He can practice if he does this, does that.'

"If we have any doubt, we'll get more information from the treating professional or have that person come in (for questioning). If we don't think they're safe to practice, we won't grant a license."

Scott Waguespack, a physician who has been practicing in Georgia after losing his license in South Carolina, said he appreciates the Georgia board for recognizing his efforts to overcome substance abuse. But he also pointed out that the board has placed him under heavy scrutiny.

Waguespack, a family practitioner in Hazelhurst, surrendered his license in South Carolina in 2004 rather than take a board-ordered blood test. He later asked to be reinstated, but the board refused.

Since being issued a license by the Georgia board in 2009, Waguespack has practiced under requirements that include random drug and alcohol screens and participation in outpatient therapy and support groups.

"I'm grateful that, after all the mistakes I've made, I'm still allowed to practice," he said. "But there has been a heavy toll. ... I'm not free and clear."

Bare bones

The medical board consists of 15 members, all of whom are appointed by the governor. Thirteen are physicians and two are "consumer" members from the public.

It votes in open session, but much of the work in evaluating whether physicians are worthy of being licensed is conducted in executive session or in committee meetings that are closed to the public.

Licensing decisions involving physicians with disciplinary issues are recorded in public board orders. Orders issued since 2001 are generally available on the board's web site.

However, most of the orders are basically bare bones accounts, typically including only a brief statement of the physician's misconduct and the conditions under which he or she must operate until there is further board review.

Board members and other personnel acknowledged that much of the material they consider isn't available to the public, but they said what's available is still enough for patients to make informed decisions.

"We do tell you, 'This guy's got an order, and it's on the website for you to make a decision,'" said LaSharn Hughes, the board's executive director. "The law limits how much is out there, but, on the positive side, there is information out there."

A decision in 2010

Sanchez, who also has used the names Armando Sanchez-Gonzalez and Armando Sanchez G, applied for a Georgia license in October 2009, two months after a judge in Texas discharged him from probation, records show. The license was approved by the board at its November 2010 meeting.

The order spelling out the board's decision on Sanchez says he pleaded no contest to solicitation of capital murder and that his medical licenses were revoked in Texas, California and Pennsylvania, but it provides no details.

The order also placed Sanchez on probation and set out conditions that included working under a supervising physician for at least two years. According to an [order](#) issued by the board in February, those conditions have been met and he's no longer on probation.

When asked recently about the decision to license Sanchez, the chairman of the board at the time said he had no recollection of it.

"To be honest with you, I don't recall anything about this at all," said

Dr. Alexander Gross, a Cumming dermatologist.

Sanchez declined to be interviewed, asking that a reporter contact an Atlanta attorney, Melvin Goldstein. However, Goldstein said he didn't represent the physician in his dealings with the Georgia board and couldn't speak to his past.

Ace Pickens, an Austin attorney who represented Sanchez when the physician's case was heard by the Texas board, said the murder-for-hire charge was a misunderstanding. He said Sanchez, seeking protection from a patient who threatened his family, made comments to the police officer that sounded ominous but were not meant as an order to have anyone killed.

Given an opportunity for deferred adjudication, Sanchez agreed to plead no contest, the lawyer said.

"When you say what he was accused of, man, your antenna goes way up," Pickens said. "Solicitation of capital murder — that sounds pretty damn bad. But when you stir it around, you see it really wasn't all of that."

The Texas board "loves to consider itself tough" when that may not be justified, he said.

Secret tapes and \$100 bills

But court documents and other public records reviewed by the AJC paint a picture of a case built on evidence that included an exchange of cash and seven recorded conversations between Sanchez and the officer.

After being approached by Sanchez, the officer went to his superiors, who set up the secret tapings.

In one of the conversations, the officer told Sanchez, "If you want me to kill him, I'll kill him," and asked the physician if he wanted to back out. Sanchez indicated he did not.

Sanchez later provided the officer with \$8,000 in \$100 bills, which, according to the officer, was an initial payment for the killing.

Although the case never went to trial, the evidence was heard by an administrative law judge in Texas when the state board sought to discipline Sanchez. The judge thought Sanchez was guilty.

"After considering the voice tones and inflections and other aspects of these tape-recorded conversations, the ALJ has no doubt that Dr. Sanchez was soliciting (the officer) to kill (the patient)," the judge wrote, recommending that the physician's license be revoked.

Two Texas courts later upheld the decision, knocking down Sanchez's contention that he should retain his license because the criminal proceeding had no bearing on his professional competency.

"Even if not directly related to the practice of medicine, Sanchez's

acts serve to undermine public trust and confidence in the safety of Texas medicine, if not manifesting behaviors that would actually endanger patients," the Texas Court of Appeals said.

Pressed for details on what Georgia saw in Sanchez that Texas didn't, Hughes and Retterbush would not go beyond generalities. They reiterated that every case is reviewed carefully, often with information that isn't available to the public.

"I can assure you we are not an open door," Retterbush said.

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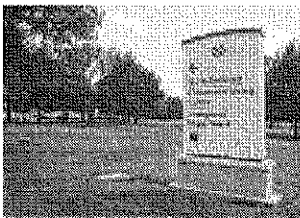
FORECAST

Saturday, Nov. 23, 2013

VA doctor loses license for behavioral troubles, deceiving board

By Andy Marso

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AUGUST 2013 FILE PHOTO/THE CAPITAL-JOURNAL

The Colmery-O'Neil VA Medical Center's emergency department has been diverting patients for several months because of doctor shortages.

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The short-staffed Colmery-O'Neil VA Medical Center is down another doctor after a **medical board pulled Kelly Humpherys' license for misleading board members about prior terminations and suspensions that resulted from concerns about her behavioral health.**

VA Eastern Kansas Medical system spokesman Jim Gleisberg confirmed via email that Humpherys, who started work March 10, was no longer active at Colmery-O'Neil as of Nov. 8, the day after her license was revoked.

"When you seek to provide high quality, safe patient care you must evaluate the newly hired doctors," Gleisberg said. "We are doing that."

When asked if Humpherys was available to comment, Gleisberg said he believed she had left the state.

Colmery-O'Neil has for months been experiencing a physician shortage that has compromised the facility's ability to provide in-patient care and perform some surgeries and caused administrators to divert patients to other hospitals.

Amid the shortage, a neurologist at the facility was terminated in May after he was convicted of molesting female patients. Further, there is an active investigation into thousands of pills two other doctors prescribed for an administrative employee.

The office of U.S. Rep. Lynn Jenkins, R-Kan., which has been in contact with U.S. Secretary of Veterans Affairs Eric Shinseki about the shortage, said the congresswoman had no new comment based on Humpherys' license departure.

The doctor shortage is referenced in some of the documents from the Oklahoma State Board of Licensure and Supervision related to Humpherys' license revocation. A complaint was filed against Humpherys on April 17, but she twice successfully petitioned that the board postpone its hearing.

"According to defendant, due to her increased workload caused by a shortage of physicians at the Topeka VA Hospital, she has been unable to adequately prepare for said hearing," states Humpherys' final petition, dated Sept. 8.

U.S. Department of Veterans Affairs hospitals may hire doctors licensed in any state, and Humpherys was using the Oklahoma license she received in 2008 to practice at Colmery-O'Neil. But in investigating the complaint about Humpherys, the Oklahoma licensing board found she hadn't been forthcoming about problems in her previous stops.

Humpherys graduated from The University of Kansas School of Medicine in 2000, but was placed on probation for "poor medical judgment" during her OB-GYN residency at the KU Medical Center and ultimately terminated when she failed to complete the terms of her probation.

In her licensing application, Humpherys told the Oklahoma board she "took a leave of absence to care for her ailing mother" and, during that leave, decided OB-GYN wasn't the right specialty for her.

She switched to family medicine and practiced in Arkansas within the St. John's Health System. According to the board's investigation, her privileges were suspended there in April 2008.

David Barbe, a doctor with St. John's, referred Humpherys to the Professional Renewal Center in Lawrence "as a result of concerns regarding disruptive behavior in the workplace."

The staff at the Lawrence center recommended six to eight months of intense treatment for Humpherys. She resigned from St. John's instead and didn't disclose the suspension of privileges to the Oklahoma board when she obtained her license there four months later.

Instead, Humpherys explained her four-day evaluation stint at the Professional Renewal Center by telling the board that St. John's had sent her there to "conduct an assessment of the facility."

Humpherys' final stop documented by the board was at Jane Phillips Medical Center in Bartlesville, Okla. Her obstetrics privileges were suspended there after administrators deemed her "an immediate threat to health and safety."

She appealed that decision, but an appeals committee upheld it on June 6, 2012. One month later she underwent a psychological assessment at the request of the state medical board's staff.

The doctor who performed the assessment, Terese Hall, determined that Humpherys' symptoms and behavior "appear to have the potential to cause significant impairment in her ability to practice medicine."

"She is currently unable to function as a part of a treatment team due to her interpersonal style," Hall wrote. "She is more invested in being right than in ensuring that her professional decisions are correct. She is unlikely to ask for assistance or input or accept it if offered. When questioned, she becomes irate. Within the boundaries of routine practice this may not be a problem, but in a novel or emergency situation, it could pose significant problems for the quality of the care she is able to provide."

Within a year of that assessment, Humpherys was practicing at Colmery-O'Neil.

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The Washington Post

Morning Mix

This onetime doctor sought revenge after being fired. Now he's been convicted on 4 murder charges.

By [Travis M. Andrews](#) October 27, 2016

“If you shall wrong us, shall we not revenge?”

That's a quote from Shakespeare's "The Merchant of Venice," one police officer found among Anthony Garcia's Internet searches. The quote proved chillingly fitting for the 42-year-old Terre Haute, Ind., man. Feeling himself wronged, he did indeed take revenge.

ADVERTISING



On Wednesday, the former doctor was convicted of murdering four people as retribution for something that happened 15 years earlier.

It began in 2001, when Garcia was fired from Creighton University's medical residency program in Omaha.

It wasn't the first residency program he failed to complete — as Reuters noted, he had withdrawn from a New York residency program after being suspended for screaming at a radiology technician — but the Creighton program was the first to outright dismiss him.

At the time, Roger Brumback and William Hunter cited “unprofessional behavior” to justify the dismissal, NBC reported. Records obtained by the Chicago Tribune showed Garcia had “willfully” phoned a fellow resident while the resident was taking a particularly high-stakes exam, presumably in an effort to affect the resident's score.

Following that dismissal, he applied to a residency program at the University of Illinois at Chicago. In his application, he wrote, “Since my childhood, I have pursued a life ambition to scientifically study the human body. I am glad I can fulfill my interest and help others, at the same time.”

Three years later, as the Tribune noted, he was dismissed from yet another residency program when the UIC ended his contract in 2004 for “substandard” behavior.

After this, he was denied a medical license in Indiana and Louisiana, but he maintained a medical license in the state of Illinois.

Given his checkered professional past and the fact that he was still able to practice medicine in Illinois (and reportedly sometimes did in Chicago), it might seem surprising that Garcia held Brumback and Hunter accountable for his lackluster career.

But he did.

And rather than write an angrily worded letter, he, as police said, took revenge.

Two weeks after being denied a medical license in Louisiana in 2008, he stabbed to death Hunter's son Thomas and his housekeeper Shirlee Sherman.

Photographs from the scene, the Charlotte Observer reported, showed 11-year-old Thomas lying in a pool of blood with a large kitchen knife jammed into his neck. Nearby, the boy's Xbox stupidly made arcade noises, still on from when he had been playing it before being interrupted. Still on, as if the boy might pick the controller back up.

That's how his father found him.

"It was pretty obvious he was dead," William Hunter testified in court, according to the Omaha World-Herald. "A lot of the blood had soaked into the rug. And then I noticed the knife sticking in his neck. It was still in the neck. Likewise Shirlee."

Following the killing, Brumback told the World-Herald, "The biggest interest we have, and what everybody was asking yesterday [at Creighton University], is, 'Who could have done this and why?'"

The double slaying immediately garnered headlines. There was even an episode of "Law & Order" titled "Pledge," in which the son and housekeeper of a pair of university biologists are slain.

At the time, police didn't have much to go on: Witnesses told police an olive-skinned man had visited Hunter's home and that they'd seen a Honda CRV in the area with out-of-state plates, the Associated Press reported. But no arrests were made.

Garcia didn't emerge as a suspect, the World-Herald reported.

The case eventually went cold, and Garcia found himself regularly visiting a strip club in his home town of Terre Haute, Ind.

He became such a regular that often the DJ would announce his arrival, yelling into the microphone, "Hey, everyone. Let's welcome Dr. Tony to the club."

"He liked to flaunt that he was a doctor," Cecilia Hoffmann, one of the dancers at this club, said during her testimony, according to the Omaha World-Herald. "He wanted everyone to know that he was a doctor — that he had nice things, that he had a nice life."

He also had a thing for Hoffmann, eventually attempting to date her at the end of 2012 and the beginning of 2013.

She didn't return his affections, though, and tried to let him down easy by telling him she only went for "bad boys."

“He said, ‘Well, actually, I’ve killed people before,’” Hoffman testified. When an unbelieving Hoffman questioned him, “He goes, ‘Well, it was an old woman and a young boy.’”

But she didn’t think much of it, at least not until May of 2013.

That’s when Garcia was denied an Indiana medical license for the second time, after Brumback informed the state of Garcia’s tattered professional record.

Just after this, Garcia attempted to break into the house of yet another Creighton medical school faculty member. When the alarm went off, he fled.

But he wasn’t done.

Immediately he used his phone to search for the Brumbacks’ address.

Later that same day, he shot Brumback and stabbed his wife, Mary, killing them both. A magazine of bullets, a recoil spring and a retaining loop to a 9mm SD9VE pistol were found at the scene.

Police immediately considered the potential that these killings were linked to those of Sherman and young Thomas. After combing through documents from Creighton University Medical Center’s pathology department personnel records, police finally considered Garcia a suspect.

By this point, a 21-person law enforcement task force including the FBI was searching for the doctor in an attempt to put an end to this years-long saga. They found him driving drunk in Illinois. With him was a .45-caliber handgun.

In his home, police found a box for a 9mm SD9VE gun, which was purchased months before the Brumback killings. The magazine, found at their doorstep, fit with that gun.

Meanwhile, Hoffman came forward with her testimony. Between her testimony, the pistol and an array of other circumstantial evidence, prosecutors felt they had enough to convict Garcia, so he was extradited to Omaha to face murder charges.

They were right.

On Wednesday, after about seven hours of deliberation, a Nebraska jury found Garcia guilty of four counts of first-degree murder, four counts of use of a deadly weapon and one count of attempted burglary.

He may face the death penalty — the jurors will meet again on Friday to decide if aggravating circumstances, such as the killings being especially cruel or if he killed to conceal a crime, exist.

While the verdict was read on Wednesday, Garcia's mother cried while her husband, Frederick, grabbed her hand, the Omaha World-Herald reported.

"We've waited so long [for this verdict]," prosecutor Don Kleine told WOWT. "It's been a long road, it really has and it's very emotional."

Garcia's attorney Bob Motta Jr., simply said, "With what they had, the jury made their decision. It was a tough case," though he did promise to appeal, according to the AP.

Omaha Police Chief Todd Schmaderer, for one, seemed ecstatic at the outcome, posting the following to the Omaha Police Department's Facebook account, saying that he was confident that:

"The jury would sift through the evidence and theatrics to find the right verdict — and they did. As we move forward we are left to remember the victims and there is no need to mention or worry about Anthony Garcia any longer."

And, in a statement, Omaha Mayor Jean Stothert said, "The Hunter, Sherman and Brumback families have waited years for this guilty verdict. I hope the end of the trial provides solace for these families."

More from Morning Mix:

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Tennessee sometimes takes years to discipline doctors

October 13th, 2015 | by Associated Press | in Local Regional News | Read Time: < 1 min. |



Doctor tile
Photo by The Tennessean /Times Free Press.

A recent audit has found that it sometimes takes years for the state board to discipline Tennessee doctors who have committed misconduct.

The Tennessean reports an audit released Monday by the comptroller reveals that during that time, many doctors continue to practice medicine.

The report says the slow pace of investigations by the Tennessee Board of Medical Examiners subjects patients to "potentially harmful medical practices."

The audit also found that the board hasn't taken steps to comply with a 1979 state law requiring it to collect information from state courts that would alert it to a physician who has been convicted of a crime.

Assistant commissioner for health and licensure regulation Michelle Long says the Tennessee Department of Health will examine each of the cases highlighted in the audit.

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