

## MINUTES OF THE SENATE HEALTH CARE STRATEGIES COMMITTEE

The meeting was called to order by Chairperson Susan Wagle at 1:30 P.M. on February 6, 2008 in Room 136-N of the Capitol.

Committee members absent: Senator David Haley- excused  
Senator Nick Jordan- excused

Committee staff present: Ms. Emalene Correll, Kansas Legislative Research Department  
Ms. Nobuko Folmsbee, Revisor of Statutes Office  
Ms. Renae Jefferies, Revisor of Statutes Office  
Ms. Margaret Cianciarulo, Committee Secretary

Conferees appearing before the committee: Dr. Andrew Jacobs, Ph.D., Leawood, KS  
Dr. Rory Murphy, Ph.D, Leawood, KS

Others in attendance: Please see attached guest list

**Continued hearing on: Board of Healing Arts responsiveness to complaints from the public**

Upon calling the meeting to order, Chairperson Wagle referred the Committee to the handout from Mr. Steve Eddy which was a copy of the primary pages of the case against Dr. John Schroll. A copy of this handout is (Attachment 1) attached.

The Chair then called upon the first of two conferees, Dr. Andrew Jacobs, a practicing psychologist from Kansas City, Missouri who offered an account of his filing an official complaint with the Board of Healing Arts regarding his wife's relationship with Dr. Douglas Geenens. In his testimony, he also included his letter to Governor Sebelius and her response, a copy of the consent order, information on "The Principles of Medical Ethics, with Annotations Especially Applicable to Psychiatry, a copy of the BHA's mission statement, it's philosophy and goals established to assist with agency mission, and three letters:

1. A letter to Mr. Buening from Dr. David Blakely, President of the Kansas Psychiatric Society regarding his concern that KPS has when issues come before BHA's Board that particularly concern psychiatry;
2. A letter from Ms. Tina Steinman, Executive Director, Division of Professional Registration to Dr. Jacobs advising him that Dr. Geenens had retired his license to practice medicine in the State of Missouri, which according to Dr. Jacobs, with Dr. Jacobs offering this letter, it is not publicized; and,
3. A letter to Dr. Geenens Psychiatry Patients from Dr. Geenens and Ms. Ronda Gray, ARNP stating that Ms. Gray will no longer be working at Geenens Psychiatry and Dr. Geenens' transition out of practice.

A copy of his testimony and his attachments are (Attached 2) attached.

The second and last conferee, Dr. Rory Murphy, gave a background of his education, employment, when he first began working with Dr. Geenens at the Menninger Foundation during his residency training, and finally, joining Dr. Geenens' practice, where Dr. Murphy became a partner. He went on to describe Dr. Geenens behavior (ex. Inappropriate over time, inability to maintain appropriate boundaries with patients, change in appearance, prescribing to non-patients, abandonment of patients by recurrent cancellations, etc.) Dr. Murphy concluded with a time line from being subpoenaed by KBHA in 11-03 through 1-08 when he forwarded additional concerns to KBHA. Dr. Murphy had no written testimony, but will forward it to Chairperson Wagle.

Committee discussion and questions from Senators Palmer, Barnett, and Wagle related to:

## CONTINUATION SHEET

MINUTES OF THE Senate Health Care Strategies Committee at 1:30 P.M. on February 6, 2008 in Room 136-N of the Capitol.

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- clarification of Dr. Geenens still having a license in Kansas, but losing his Missouri license;
- meds given to people that are not patients;
- not a political situation;
- statement of understanding of how notification is given when a doctor closes his practice;
- clarification of Dr. Geenens being assured that he would not be investigated or that there would be no action by Dr. Ellis, President, BHA, who was terminated and while he was reapplying to be reinstated, his license was pulled in Missouri;
- there were some funds swept from the BHA during difficult budget times, and would like to know if that played role in this situation as well
- in reference to page 5 of Mr. Eddy's handout, who does the law firm of Wright, Henson, Somers, Sebelius, Clark & Baker, LLP represent? And,
- cannot understand why doctors in these circumstances did not report their concerns earlier, what is the reporting process if a doctor wants to report anonymously, is there a mechanism for that to be done, what is stated in the law, and if somebody reported it and if the BHA only investigates if there are three, would that one report lead to an investigation?

The Chair stated this does justify the introduction of a bill. She went on to say, as she has been researching, specifically talking to two women who do have complaints to the BHA that have not been responded to, and as she looks at the history of the BHA, she would like to introduce a bill they could all agree to change the selection of the Board that now is totally appointed by the Governor. She would like the Committee to hear the concerns from the BHA and KMS. She went on to say that she still thinks that peer review is good but still needs to be depoliticized.

Senator Brungardt asked that they look at other states (ex. How they are structured, funded, their investigative procedures, in contrast to what we do?)

The conferees were asked if their complaints were forwarded to the Attorney General's office.

The Chair mentioned that the Committee needs to look at the structure of the Board, also consider the Post Audit and their remediation concerns, and the timeliness and response of the BHA Senator Brungardt suggested that they start by hearing from the BHA, Senator Barnett agreed. The Chair then asked if the Board could be available next week.

The Committee agreed to hold off on the introduction of a bill until more information was gathered.

### **Adjournment**

As it was going on Senate session time, the meeting was adjourned. The time was 2:31 p.m.

The next meeting is scheduled for February 11, 2008