

BEFORE THE BOARD OF THE HEALING ARTS  
OF THE STATE OF KANSAS

FILED  
DEC 20 2018

BV

In the Matter of )  
ANGELA J. GARNER, MD )  
 )  
Kansas License No. 04-33114 )  
\_\_\_\_\_ )

KS State Board of Healing Arts

Docket No. 19-HA00040

**EMERGENCY ORDER LICENSE LIMITATIONS**  
**AND EMERGENCY PROCEEDINGS**

NOW on this 20<sup>th</sup> day of December 2018, this matter comes before the Presiding Officer on Petitioner's Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings ("Motion"). Upon consideration of the agency record, including the pleadings and attached exhibits, the Presiding Officer finds, concludes and orders as follows:

1. On November 5, 2018, Petitioner filed a Petition alleging that Angela Garner, M.D. ("Licensee") committed violations of the Healing Arts Act and requesting disciplinary action against Licensee's license.
2. Petitioner also filed the Motion seeking a temporary suspension of Licensee's license to practice medicine and surgery, pursuant to K.S.A. 77-536 and K.S.A. 65-2838(c), on November 5, 2018, which incorporated the allegations of the Petition by reference.
3. On November 14, 2018, Petitioner filed supplemental materials in support of the Motion.
4. On November 30, 2018, upon request of counsel for Licensee, the Presiding Officer advised all parties that he would allow additional time, to December 7, 2018, to respond to or supplement the Motion filed and served on November 5, 2018, including correcting any factual errors perceived to exist by any party in the Motion.
5. On December 6, 2018, upon request of counsel for Licensee, the Presiding Officer

advised all parties that he would allow more additional time, to December 12, 2018, to respond to or supplement the Motion filed and served on November 5, 2018, including correcting any factual errors perceived to exist by any party in the Motion.

6. On December 13, 2018, Licensee filed a response to the Motion and an Answer to the Petition.

7. The Presiding Officer has reviewed and considered all pleading, exhibits, and affidavits submitted by the parties in relation to the Motion.

8. The Presiding Officer finds, pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(c), that there is cause to believe that:

- a. grounds exist for disciplinary action; and
- b. Licensee's immediate continuation in her current practice would constitute an imminent danger to the public health and safety.

9. The grounds that support such reasonable cause include, but are not limited to the following:

- a. The facts and documentary evidence as set forth and incorporated in the Motion at paragraphs 1 through 3, 8, 9, and 11 through 18, the Petition at paragraphs 5 through 22 and 32 through 34, and Exhibit 1 and 2 contained in the November 14, 2018 supplement, all incorporated here by reference.
- b. Licensee permitted staff members to administer unknown dosages of IV magnesium, considered a "High Alert Medication" by the Institute of Safe Medical Practices because of its heightened risk of significant patient harm, without any prior patient consultation with Licensee and without Licensee's knowledge and/or documentation reflecting whether the rate of

IV infusion remained below 150mg/minute, including to patients with known medical histories that included anemia and tachycardia of unknown origin and heart disease with stent placement.

- c. Licensee ostensibly delegated medical care and treatment to staff members who are not appropriately licensed, educated, and trained to provide such medical care and treatment, including providing authorization that would allow such staff to place central venous catheters into patients without Licensee's supervision.
- d. A staff member purportedly overseen by Licensee administered IV therapy to a patient who came to the clinic with nausea and vomiting of unknown origin without any prior patient consultation with Licensee or diagnostic work up of these symptoms, having been given no protocol for patients presenting with nausea and vomiting.
- e. Licensee has not properly supervised and directed the care and treatment rendered by such staff to patients receiving IV infusion treatments;
- f. Licensee has allowed such staff to provide IV therapies that were contraindicated based on the patient's medical history without Licensee consulting with staff or the patient or reviewing the patient's chart prior to the treatment being rendered;
- g. Licensee has failed to ensure that such medical care and treatment was properly documented including but not limited to specifying all the compounds and dosages injected into the patients;
- h. There is no indication that Licensee has adjusted her practice in respect to

the facts described above, and therefore there are reasonable grounds to believe that Licensee's violations are continuing in nature.

10. The Board further finds that the legal authorities and policy considerations contained in the Motion at paragraphs 5 through 7 and 10 justify the requested emergency suspension pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(c).

11. Therefore, pursuant to K.S.A. 77-536(b), Licensee's license to practice medicine and surgery is temporarily limited as follows:

- Licensee shall not practice in connection with the IV Nutrition Clinic referenced at paragraphs 5 and 6 of the Petition, or any substantially similar IV therapy clinic, including but not limited to serving as a medical director or supervising physician to any such IV therapy clinic.

12. A notice of expedited hearing to determine whether the temporary limitations described above shall remain in place during the pendency of proceedings pursuant to the Petition is filed and served contemporaneously with this Order.

**IT IS, THEREFORE, ORDERED** that the license of Angela Garner, M.D., is hereby **LIMITED** on a temporary basis pending a hearing to determine if there is adequate cause for the limitation to remain in effect during the proceedings on the underlying Petition.

**IT IS SO ORDERED** this 20th day of December, 2018.

Kansas State Board of Healing Arts

/s/Robin Durrett  
Robin Durrett, D.O.  
Presiding Officer

## CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Order was served this 20<sup>th</sup> day of December.

2018 by depositing the same in the United States Mail, first-class postage prepaid, addressed to:

Angela J. Garner, MD

[REDACTED]  
Olathe, KS 66061

*Licensee*

Brian J. Niceswanger, #12531  
Stephanie A. Preut, #24971  
82 Corporate Woods, Suite 900  
10851 Mastin Boulevard  
Overland Park, KS 66210  
(T) 913.701.6810  
(F) 913.341.2293  
KCCiviLit@evans-dixon.com  
*Attorneys for Licensee*

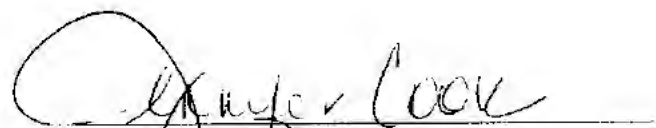
And copies were hand-delivered to:

Jared T. Langford, Associate Litigation Counsel  
Susan R. Gering, Deputy Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Lower Level, Ste A  
Topeka, KS 66612

And a copy was given to:

Robin Durrett, D.O.  
KSBHA Presiding Officer  
Kansas State Board of Healing Arts

and the original was filed with the office of the Executive Director.

  
Jennifer Cook  
Legal Assistant