

**FILED**

SEP 10 2024

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

KS State Board of Healing Arts

<b>In the Matter of</b>	)	
	)	<b>Docket No.: 25-HA00001</b>
<b>Wingrove T. Jarvis, M.D.</b>	)	
<b>Application for License to</b>	)	
<b>Practice Medicine and Surgery</b>	)	

---

**FINAL ORDER**  
**GRANTING LICENSE**

On August 9th, 2024, this matter came before the Kansas Board of Healing Arts (“Board”) upon due and proper notice for Conference Hearing on an application for change of designation/type to change license type from inactive to an active license to practice medicine and surgery in Kansas. Matthew Gaus, Deputy Litigation Counsel, appeared on behalf of Disciplinary Panel #39 (“DP#39”). Wingrove T. Jarvis, M.D. (“Licensee”), appeared in person, *pro se*.

Under the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the testimony of Licensee, and being duly advised in the premises, the Board makes the following findings, conclusions, and order.

The Conference Hearing was held in closed session pursuant to K.S.A. 77-523(f) for presentation of information that is confidential under K.S.A. 65-2839a.

---

**Final Order Granting License**  
***In the Matter of Wingrove T. Jarvis, M.D.***  
**KSBHA Docket No. 25-HA00001**

## I. FINDINGS OF FACT

1. On or about June 5, 2024, Licensee filed an original application for change of designation/type to change his Kansas license type from inactive to an active license to practice medicine and surgery in Kansas (“Application”). Such Application was deemed complete and filed with the Board on July 1, 2024. (Application, p. 1).
2. On or about July 17, 2024, DP#39 filed a Response in Opposition to Application for Change in Designation/Type (“Response”).
3. On or about August 29, 2023, Licensee filed a formal complaint with the U.S. Equal Employment Opportunity Commission (“EEOC”) alleging VA Black Hills Medical Center (“BHMC”) subjected Licensee to a hostile work environment based on Race and National Origin when: (1) on December 5, 2022, Licensee was detailed (moved from surgery to administrative duties) and his clinical privileges were suspended; (2) since May 23, 2023, Licensee has been subjected to a fact-finding investigation including the following independent actionable claim; and (3) effective October 14, 2023, Licensee was terminated during his probationary period. (Application pp. 28, 98, and 129).
4. There is no evidence in the agency record that Licensee’s EEOC complaint has been resolved as of the date of the Conference Hearing.
5. On January 19, 2024, the EEOC produced an investigation summary that listed a timeline of BHMC actions involving the Licensee as follows:

December 5, 2022, BHMC detailed (moved from surgery to administrative duties) Licensee due to patient concerns until further notice or resolution.

May 31, 2023, BHMC Fact Finding reveals six allegations raised and investigated against Licensee. The fact finder did not make conclusions regarding the allegations but presented the views of the employees interviewed, including Complainant, who offered his responses to the allegations raised. He indicated that the complaints may be a result of his race.

September 29, 2023, BHMC informed Licensee that Professional Standards Board determined License should be terminated from employment, effective October 14, 2023.

The EEOC investigative summary noted that Licensee refuted much of the testimony of BHMC staff regarding the clinical assessment of Licensee's cases. (Application pp. 97-98 and 110).

6. On or about November 2, 2023, BHMC filed a Clinical Privileges Action report with the National Practitioner Data Bank ("NPDB") reporting Licensee had:

"Failed to meet generally accepted standards of practice as to raise reasonable concern for the safety of patients. CONFIDENTIAL

his employment was terminated during his probationary period."

BHMC reported the action was taken September 11, 2023, and was effective September 29, 2023. (Bd. Ex. 2 – NPDB Report).

7. On or about November 14, 2023, Licensee file a response with NPDB disputing and contesting the BHMC Clinical Action report to the NPDB. (Id.).

# CONFIDENTIAL

9. Both the Maryland Board of Physicians (December 2023) and the State Medical Board of Ohio (January 2024) have **CONFIDENTIAL** concluded that there are no grounds for discipline related to the BHMC action against Licensee. (Id. at pp. 23-24).
10. Licensee holds an active license to practice medicine in the following states: Colorado; Kentucky; Maryland; Massachusetts; New Hampshire; New York; Ohio; and Pennsylvania. There is no evidence in the agency record that any of these jurisdictions have taken disciplinary action against Licensee related to the BHMC action against Licensee. (Id. at pp. 289-291).

11. DP#39 states BHMC did not provide specific findings it made in reaching the decision to terminate Licensee's privileges nor did it provide patient information, medical records, and/or other documentation underlying such termination. (Response, p. 2).

## **II. APPLICABLE LAW**

K.S.A: 65-2836(s) states:

An application for license may be denied upon a finding that sanctions or disciplinary actions have been taken against the licensee by a peer review committee, healthcare facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

## **III. CONCLUSIONS OF LAW**

The Board had the opportunity to hear Licensee's testimony, review the evidence, and consider the entire agency record as a whole.

K.S.A. 65-2836(s) permits the Board to deny an application for a license if the Board finds that: (1) sanctions or disciplinary actions have been taken against the licensee by a peer review committee, healthcare facility, a governmental agency or department or a professional association or society; (2) for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

### *Sanctions or Disciplinary Action*

The Clinical Privileges Action report filed by BHMC with the NPDB states Licensee failed to meet generally accepted standards of practice as to raise reasonable concern for the safety of patients. **CONFIDENTIAL**

**CONFIDENTIAL**

and resulted in termination of

Licensee's employment. Twelve days after the BHMC report was filed with the NPDB, Licensee filed his own statement with the NPDB disputing the facts in the BHMC report. In cases of a disputed NPDB report the Board next looks to the record of the underlying disciplinary proceeding to determine why the NPDB report is disputed and to determine which side is to be believed.

*Record of BHMC Disciplinary Proceeding*

The evidence in the agency record identifies: (1) complaints to BHMC regarding Licensee; (2) BHMC's investigation of Licensee in response to the complaints; (3) BHMC's action to terminate Licensee's employment; and (4) BHMC's report to the NPDB. Unfortunately, the agency record contains no documentation or record of the hearing procedure or process BHMC utilized to **CONFIDENTIAL** conduct a proceeding to determine the disputed facts and establish: (1) why Licensee failed to meet generally accepted standards of practice as to raise reasonable concern for the safety of patients; and (2) sanction Licensee by terminating his employment.

*Standard of Care*

In reviewing BHMC's disputed conclusion that Licensee failed to meet generally accepted standards of practice (standard of care) the Board would typically expect to find evidence: (1) summarizing the conduct in question; (2) of an expert's opinion on what the relevant standard of care is; and (3) of any relevant concerns that the expert has regarding the conduct in question. BHMC may have considered this type of information in determining the disputed facts in Licensee's case but the agency record in the matter before the Board contains no such evidence for the Board to review.

*Lack of Evidence to Find  
Disciplinary Action Against License*

At every turn, Licensee has disputed and contested BHMC's action against him, including filing an EEOC complaint against BHMC. The evidence in the agency record documents BHMC's investigation of complaints and BHMC's termination of Licensee from employment but excludes any information regarding BHMC's use of a hearing procedure that included due process protections. The agency record does not contain evidence of the hearing process used by BHMC to settle and determine: (1) the disputed facts in this case; (2) violations, if any; and (3) appropriate discipline based on the findings. Without such evidence there is no basis under K.S.A. 65-2836(s) to deny Licensee's application based on sanctions or disciplinary actions that have been taken against the licensee by BHMC for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

**IT IS THEREFORE ORDERED** that Licensee's application to change his license type from inactive to an active license to practice medicine and surgery in Kansas is **GRANTED**.

**IT IS SO ORDERED** this 10<sup>th</sup> day of September 2024.

**KANSAS STATE BOARD OF HEALING ARTS**

*Susan Gile*

---

Susan Gile, Executive Director

**FINAL ORDER NOTICE OF RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Susan Gile, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the above by depositing the same in the United States mail, postage prepaid, on this 10th day of September 2024, addressed and emailed to:

Wingrove T. Jarvis, M.D.  
261 Grimesville Rd.  
Williamsport, Pennsylvania 17701  
winjarvis@doctors.org.uk  
*Licensee*

And a copy hand delivered to:

Matthew Gaus, Deputy Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, KS 66612  
(785) 296-8022  
Matthew.gaus@ks.gov

Licensing Administrator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level – Suite A  
Topeka, KS 66612

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

/s/Jennifer Cook  
Staff Signature

---

**Final Order Granting License**  
***In the Matter of Wingrove T. Jarvis, M.D.***  
**KSBHA Docket No. 25-HA00001**