



THOMAS L. THEIS

OF COUNSEL

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PROFILE

Thomas L. Theis is of counsel at Foulston Siefkin LLP. He serves clients primarily in the areas of health care law, with particular emphasis on professional liability defense, as well as regulatory and peer review matters. He further practices in the area of general liability. He defends medical and mental health care providers, attorneys, officers and directors of financial and other institutions, and other professionals and corporations in lawsuits filed in state and federal courts. Mr. Theis also counsels hospitals, physicians, and other health care providers on health care law issues, including contract, regulatory, and other matters. Mr. Theis enjoys Martindale-Hubbell Law Directory's highest "AV" rating for lawyers and has been selected by his peers for inclusion in *The Best Lawyers in America*® and the *Missouri & Kansas Super Lawyers*® list. In 2012, 2016, and 2018 he was named by *Best Lawyers*® the Topeka Health Care Law "Lawyer of the Year," and in 2014, 2017, and 2020 Topeka Personal Injury Litigation – Defendants "Lawyer of the Year." His peer memberships include the American Hospital Attorneys' Association, the Kansas Association of Hospital Attorneys, the Kansas Association of Defense Counsel, and the Defense Research & Trial Lawyers Association.

Education

- Washburn University (J.D., 1976)
Phi Kappa Phi Honor Society
- Washburn University (A.B., 1973)

Admissions

- U.S. Court of Appeals for the Tenth Circuit (1976)
- U.S. District Court for the District of Kansas (1976)
- Kansas (1976)

PRACTICE AREAS

- Healthcare

FOULSTON

ATTORNEYS AT LAW

- Insurance Defense Litigation
- Litigation & Disputes
- Mediation/Dispute Resolution
- Product Liability
- Professional Malpractice

INDUSTRIES

- Healthcare

RELEVANT EXPERIENCE

- Successful defense of physicians, nurses, provider groups, hospitals, nursing homes and other medical professionals in hundreds of professional negligence lawsuits in the trial court and on appeal. Medical clients have included anesthesiologists, CRNA's, pediatricians, pediatric critical care specialists, hospitalists, emergency medicine specialists, endocrinologists, pulmonologists, plastic surgeons, general surgeons, ENTs, gastroenterologists, neurosurgeons, radiologists, urologists, obstetricians and gynecologists, infectious disease specialists, nephrologists, neurologists, medical oncologists, surgical oncologists, radiation oncologists, psychiatrists, psychologists, physiatrists, orthopedic surgeons, cardiologists, cardiovascular surgeons, urologists, pulmonologists, ophthalmologists, retinal surgeons, family practice specialists, general internists, rheumatologists, dermatologists, otolaryngologists, thoracic surgeons, emergency medical technicians, rural hospitals, urban hospitals and regional referral centers, physician assistants, ARNP's, radiology technicians, respiratory therapists, physical therapists, office and hospital nurses.
- Lead counsel at trial and on appeal in Kansas case establishing that Hospitals have no duty to inform bystanders of risks related to witnessing a medical procedure. *Walters v. St. Francis Hosp. & Medical Ctr.*, 23 Kan. App. 2d 595; 932 P.2d 1041 (1997)
- Lead counsel at trial and on appeal in Kansas case establishing that the Kansas Treatment Act for Mentally Ill Persons created a cause of action for the negligent release on an involuntary patient but did not create a cause of action for the negligent release of a voluntary patient and which outlined in detail the Kansas law relating to duties to protect third persons from harm. *Boulanger v. Pol*, 258 Kan. 289; 900 P.2d 823 (1995)
- Lead counsel at trial and on appeal in litigation regarding the constitutionality of tort reform legislation in Kansas. *Victims Coalition v Bell*, 243 Kan. 333; 757 P.2d 251 (1988)
- Lead counsel at trial court and on appeal in Kansas case establishing the right of the Kansas Health Care Stabilization Fund to settle a case against a health care provider without the consent of the provider in the face of a challenge that such a right would violate the insured's due process rights and be in violation of the Fourteenth Amendment and the Bill of Rights of the Kansas Constitution. *Harrison v. Long*, 241 Kan. 174; 734 P.2d 1155 (1987)
- Lead counsel at trial and on appeal in Kansas case settling the issues in Kansas of applying comparative fault to actions based upon strict liability in tort, the comparison of fault of non-parties, and instructing on the unreasonably dangerous requirement to prove strict liability in a design defect case. *Lester v Magic Chef*, 230 Kan. 643; 641 P.2d 353 (1982)
- Lead counsel on appeal in Kansas case establishing that breach of a provision of code of ethics does not alone constitute a cause of action for negligence. *Young v. Hecht*, 3 Kan. App. 2d 510; 597 P.2d 682 (1979)

PROFESSIONAL MEMBERSHIPS, AFFILIATIONS, AND HONORS

- Recognized by *Best Lawyers*® as the 2012, 2016, & 2018 Topeka Health Care Law “Lawyer of the Year”
- Recognized by *Best Lawyers*® as the 2014, 2017, 2020 Topeka Personal Injury Litigation – Defendants “Lawyer of the Year”
- Selected by peers for inclusion in *The Best Lawyers in America*® in the areas of Health Care Law, Mediation, Medical Malpractice Law – Defendants, and Personal Injury Litigation – Defendants, 2003-2020
- Selected for inclusion in Missouri & Kansas Super Lawyers® List, 2005-2018 (a Thomson Reuters business)
- Selected for inclusion in Best of United States® in the areas of Health Care Law and Personal Injury Litigation (Best of the U.S. Inc.)
- Selected by peers as a top 100 Missouri & Kansas Super Lawyer® , 2005 (a Thomson Reuters business)
- Selected for inclusion in Guide to the Leading U.S. Healthcare Lawyers®, 2005 (Legal Media Group: Euromoney Institutional Investor PLC)
- Kansas and Topeka Bar Association
- Kansas Association of Defense Counsel
- American Health Lawyers Association
- Defense Research Institute (DRI™)
- Kansas Association of Hospital Attorneys, Past President

PUBLICATIONS

2002

- Changes to EMTALA? Stay Tuned
-Health Law Update - Quarter 2

ISSUE ALERTS

2019

- Kansas Supreme Court Ruling Uncaps Damages for "Pain and Suffering"