

FILED

CAB

APR 01 2009

KS State Board of Healing Arts

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

In the Matter of)
)
LAWRENCE M. SIMONS, SR.,)
Kansas License No. 04-30198.)

Docket No. 09-HA- 00166

PETITION

COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through Associate Litigation Counsel Lori D. Dougherty (“Petitioner”), and initiates these proceedings pursuant to the provisions of K.S.A. §§ 65-2836, 65-2838, 65-2851a, and 77-501 *et seq.* For its cause of action, Petitioner alleges and states:

1. Lawrence M. Simons, Sr. (“Licensee”) last known mailing address to the Board is P.O. Box 75189, Wichita, KS 67275.
2. Licensee is or has been entitled to engage in the practice of medicine in the State of Kansas, having been issued License No. 04-30198 on June 7, 2003. At all times relevant to the allegations set forth, Licensee has had a current license to engage in the practice of medicine in the State of Kansas, having last renewed his license on July 1, 2008.
3. The Board has not previously taken disciplinary action against the Licensee’s Kansas medical license.
4. Since issuance of license, and while engaged in a regulated profession as a medical doctor practicing the healing arts in the State of Kansas, Licensee did commit the following act(s):

COUNT ONE

5. Petitioner incorporates herein by reference paragraphs one through four, inclusive.
6. Patient #1 had been a patient of the Schneider Medical Clinic from approximately January 31, 2003 until April 25, 2006. Patient #1 is a 5'6", 70 pound, nine year old female.
7. In February 2006, Licensee was employed by the Schneider Medical Clinic, Haysville, Kansas.
8. Licensee began treating patient #1 on February 2, 2006, who presented to Licensee with a swollen left face.
9. On February 2, 2006, Licensee prescribed Zithromax 200 mg/5 cc's po bid for ten days to juvenile Patient #1.
10. The pharmacy refused to fill the February 2, 2006 prescription for juvenile Patient #1 because they believed it was an excessive dosage for her size and age.
11. Licensee committed acts in violation of the Healing Arts Act, K.S.A. § 65-2836 and K.S.A. § 65-2837, including but not limited to:
 - a. K.S.A. § 65-2836(b): unprofessional and dishonorable conduct; and
 - b. K.S.A. § 65-2837(b)(23): Prescribing, dispensing, administering, or distributing a prescription drug or substance, including a controlled substance, in an excessive, improper, or inappropriate manner or for other than a valid medical purpose, or not in the course of the licensee's professional practice.
12. Pursuant to K.S.A. § 65-2836(k), the Board may revoke, suspend, or otherwise limit Licensee's license for violations of the Healing Arts Act.

COUNT TWO

13. Petitioner incorporates herein by reference paragraphs one through twelve (12), inclusive.
14. Licensee was charged with Domestic Battery – Bodily Harm, K.S.A. § 21-3412a, class B person misdemeanor, **(Confidential)**
(Confidential) ; and Violation of a Protective Order, K.S.A. § 21-3843, class A person misdemeanor, in the City of Wichita Municipal Court, Sedgwick County, Kansas. Licensee had his first appearance on the charge on August 10, 2007.
15. On or about November 13, 2007, Licensee was convicted in Wichita Municipal Court, Sedgwick County, Kansas, of one count of Domestic Battery with Bodily Harm, a Class B person misdemeanor, and Violation of a Protective Order, Class A person misdemeanor.
16. On May 22, 2008, Licensee renewed his license number via an online renewal form.
17. The Licensee answered “no” to Disciplinary Question B which asks: In the past 12 months have you been arrested, charged with, or convicted of any felony or class A misdemeanors? This includes a diversion or plea to a felony or class A misdemeanor.
18. In his May 22, 2008 online renewal, Licensee misrepresented that he had not been arrested, charged with, or convicted of any felony or class A misdemeanors.
19. Licensee committed acts in violation of the Healing Arts Act, K.S.A. § 65-2836, including, but not limited to:
 - a. K.S.A. § 65-2836(c): Licensee has been convicted of a class A misdemeanor, whether or not related to the practice of healing arts.
 - b. K.S.A. § 65-2836(a): The Licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.

20. Pursuant to K.S.A. 65-2836(k), the Board may revoke, suspend, or otherwise limit Licensee's license for violations of the Healing Arts Act.

COUNT THREE

21. Petitioner incorporates herein by reference paragraphs one through twenty (20), inclusive.

22. On or about November 21, 2007, Licensee prescribed Codeine Sulfate, 30 mg, quantity 100 to "Ricky (K-9) King," which is a dog, not a human.

23. Codeine Sulfate is an oral narcotic and a drug subject to the Federal Controlled Substances Act.

24. Licensee committed acts in violation of the Healing Arts Act, K.S.A. § 65-2836 and K.S.A. § 65-2837, including but not limited to:

- a. K.S.A. § 65-2836(b): unprofessional and dishonorable conduct: to wit: practicing a profession, to wit: veterinary medicine, without proper licensure;
- b. K.S.A. § 65-2836(p): licensee has prescribed, sold, administered, distributed or gave a controlled substance to any person for other than a medically accepted or lawful purpose; and
- c. K.S.A. § 65-2837(b)(23): Prescribing, dispensing, administering, or distributing a prescription drug or substance, including a controlled substance, in an excessive, improper, or inappropriate manner or for other than a valid medical purpose, or not in the course of the licensee's professional practice.

25. Pursuant to K.S.A. § 65-2836(k), the Board may revoke, suspend, or otherwise limit Licensee's license for violations of the Healing Arts Act.

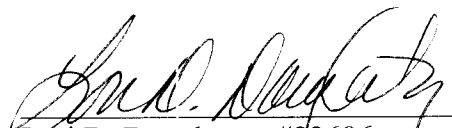
COUNT FOUR

26. Petitioner incorporates herein by reference paragraphs one through twenty-five (25), inclusive.
27. Licensee was notified of a Board investigation. Subsequently, Licensee met with a Board Investigator and was requested to provide medical records for examination.
28. On April 8, 2008, Licensee met with a Board Investigator and was interviewed about his practice at his residence located at 451 N. 179th Street, Goddard, Kansas 67052.
- a. Licensee was asked if he was keeping medical records on all of the patients he was seeing or prescribing for at his residence. Licensee stated that he was keeping a minimal set of records but not the detailed records a regular clinic would.
 - b. Licensee was asked if he would take the Board Investigator to his residence to look at the records to determine the nature and extent of his record-keeping. Licensee advised that the records were not at his house, but were being kept by his assistant, Robbie Swonger, at another location.
 - c. Licensee was unable to provide the Board Investigator access to any medical records on April 8, 2008; however, Licensee indicated he would provide the Board Investigator the medical records in the near future.
29. On or about May 5, 2008, Licensee submitted patient medical records to the Board pursuant to a subpoena which was lawfully issued April 30, 2008.
30. Licensee admitted he did not create contemporaneous medical records. The medical records submitted on May 5, 2008, were created because he either did not have or could not locate records for those patients, all of whom Licensee had been treating at Licensee's private residence.

31. Licensee committed acts in violation of the Healing Arts Act, K.S.A. § 65-2836 and K.S.A. § 65-2837, including but not limited to:
- a. K.S.A. § 65-2836(b): unprofessional and dishonorable conduct; and
 - b. K.S.A. § 65-2837(b)(25): Failure to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results, and test results.
32. Pursuant to K.S.A. § 65-2836(k), the Board may revoke, suspend, or otherwise limit Licensee's license for violations of the Healing Arts Act.

WHEREFORE, the Petitioner requests that the Board make findings of fact and conclusions of law that Licensee committed these acts in violation of the Kansas Healing Arts Act, and that Licensee's license to practice the healing arts in the State of Kansas be revoked, suspended, or otherwise limited, and that the Board assess such administrative fines and impose such costs against Licensee as it shall deem just and proper.

Respectfully submitted,



Lori D. Dougherty, #22696
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, KS 66603-3068
(785) 368-8212

CERTIFICATE OF SERVICE

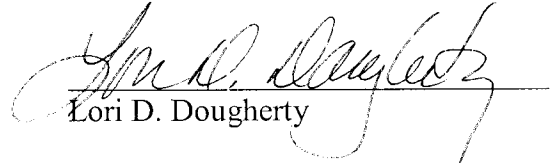
I, Lori D. Dougherty, do hereby certify that on the 1st day of April, 2009, a true and correct copy of the above and foregoing PETITION was deposited in the United States mail, first class, postage prepaid, to the following:

Lawrence Simons
P.O. Box 75189
Wichita, KS 67275

Brian L. White
Attorney for Licensee
Klenda, Mitchell, Austerman, & Zuercher, L.L.C.
1600 Epic Center
301 N. Main
Wichita, KS 67202-4816

And the original was hand-delivered to:

Jack Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.,
Topeka, KS 66603-3068


Lori D. Dougherty