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STIPULATION

~~WHEREAS~~ **THIS AGREEMENT** made and entered into this 11th day of ~~HEALING ARTS~~ February, 1989, by and between the KANSAS STATE BOARD OF HEALING ARTS (hereinafter referred to as "Board") and FRANCIS ABRAHAM, D.P.M. (hereinafter referred to as "Licensee").

WITNESSETH:

WHEREAS, Licensee is licensed by the Board to practice podiatry in the State of Kansas and is the holder of certificate number 85; and

WHEREAS, the Board has received and obtained certain information regarding the conduct of Licensee in his treatment of certain individuals; and

WHEREAS, following investigation into the information received, all pertinent information obtained was presented to a panel of three other individuals licensed to practice podiatry in the State of Kansas, which panel made certain findings and recommendations to the Board; and

WHEREAS, at its meeting on August 13, 1988, the Board reviewed the investigative material and the findings and recommendations of the panel of podiatric licensees and found that reasonable cause exists to believe that Licensee may have committed one or more violations of the Podiatry Act for which formal adjudicative proceedings, as defined by the statutes of the State of Kansas, may be initiated to revoke, suspend or otherwise limit the license of Licensee to practice podiatry in the State of Kansas; and

WHEREAS, at its meeting December 9-10, 1988, the Board authorized formal adjudicative proceedings to be initiated against Licensee; and

WHEREAS, in lieu of proceeding with formal adjudicative proceedings, the parties hereto mutually desire to enter into this Stipulation.

NOW, THEREFORE, in consideration of the forbearance of formal adjudicative proceedings at this time and the other covenants and

promises contained herein, the parties hereto agree as follows:

1. That from and after the effective date of this agreement and until this provision is modified as hereinafter provided, Licensee shall perform no surgical procedures on either an outpatient or inpatient basis which would either involve or otherwise affect bone or neuromas without the personal attendance and supervision of a qualified individual approved by the Board, PROVIDED, HOWEVER, Licensee may perform surgical procedures which are limited to toenails, papillomas, superficial skin lesions, ganglions and epidermoid cysts in the absence of such personal attendance and supervision.

2. That from and after the effective date of this agreement, Licensee shall, at least weekly, provide to the Board a list of all individuals upon whom he has performed any surgical procedure whatsoever, whether such procedure was performed on patients within a hospital or other institution or in Licensee's office. The list so provided shall contain the name of the patient, the date of the procedure, a description of the procedure, the location where the procedure was performed and the name of the individual, if any, who personally attended or supervised the procedure in addition to Licensee. It is further understood and agreed that the Board will, from time to time, request patient records on selected patients upon whom surgical procedures have been performed and Licensee agrees to provide such records at no cost to the Board upon request.

3. For purposes of this agreement, "surgical procedures" includes any treatment provided by Licensee which involves any anesthetic agent.

4. Within three months of the date of this Stipulation Licensee shall attend and successfully complete a minimum of a one week mini residency program devoted solely to surgical techniques and the preoperative criteria for surgery, including the medical, biomechanical and surgical indications therefor. The location of

the course, its program content and length will be submitted to the Board by Licensee for approval not less than 30 days prior to its commencement. The course shall be equivalent to the mini residency program offered by the Podiatry Institute in Atlanta, Georgia.

5. Following his completion of the residency program referred to in the preceding program, Licensee will take all necessary action to insure that the Board receives all available information relating to Licensee's performance in the program.

6. Not less than 3 months following Licensee's completion of the aforementioned program and the Board approval of Licensee's performance therein, Licensee may apply to the Board for a modification of this Stipulation and specifically the requirements imposed in paragraphs 1 and 2 hereof and the Board will give any such application due consideration.

7. A Board investigator or other designee of the Board may monitor Licensee's practice within the Board's discretion with Licensee cooperating with any reasonable request made to insure Licensee is in strict compliance with the terms of this Stipulation.

8. In consideration of the forbearance of the commencement of formal adjudicative proceedings at this time, Licensee waives all procedural and due process requirements afforded to him by the United States and Kansas Constitutions and the Kansas Administrative Procedure Act. In consideration of such waiver by the Licensee, the Board agrees that this Stipulation shall be an adjudication and determination of any proceedings or actions that could be taken or instituted by the Board for any acts or alleged acts by Licensee prior to the date hereof, provided, however, this Stipulation shall not apply to any acts or alleged acts which may be committed by Licensee subsequent to the effective date hereof. Further, this Stipulation shall not be deemed to constitute res judicata, waiver, estoppel or collateral estoppel so as to preclude the Board from conducting further investigation or initiation of

future proceedings against Licensee for any conduct of Licensee subsequent to the effective date of this Stipulation or any conduct by Licensee prior to the date of this Stipulation which pertains to conduct substantially different from the information presently contained within the Board investigative files and known to the Board.

9. Board acknowledges that certain individuals have filed complaints with the Board who have brought or may be contemplating a claim for monetary damages against Licensee. It is the understanding and agreement of the parties that this Stipulation neither constitutes a finding of departure from any standard of care nor admission by Licensee of a departure from any standard of care. This Stipulation is to insure Licensee will follow generally accepted principles and standards in performing surgical procedures so that the safety and welfare of the citizens of the State of Kansas are adequately protected and to avoid the time and expense which would be associated with litigation should formal adjudicative proceedings be initiated against Licensee.

10. It is understood and agreed that the minutes of the Board meetings during which the Board publicly discussed or took any action relating to Licensee or affecting Licensee's license to practice podiatry in the State of Kansas constitute records which are open to the public. It is further understood that this Stipulation and the resulting Enforcement Order to be entered, likewise, will constitute public records. Further, it is understood that this Stipulation, together with the resulting Enforcement Order, shall be provided to the Federation of State Podiatric Boards as a disciplinary action report and will be reported by said Federation on its Disciplinary Action Reports. It is further understood that pursuant to K.S.A. 65-2898a(a)(2), the Board may provide matters of a public record, as well as matters contained within its investigative file otherwise required to be confidential to the proper licensing or disciplinary

authority of another jurisdiction upon request by such authority. Except as above stated, all matters contained within the investigative files shall, pursuant to K.S.A. 2898a, remain confidential and shall not be disclosed or divulged by the Board except as authorized by that statute or as required by court order.

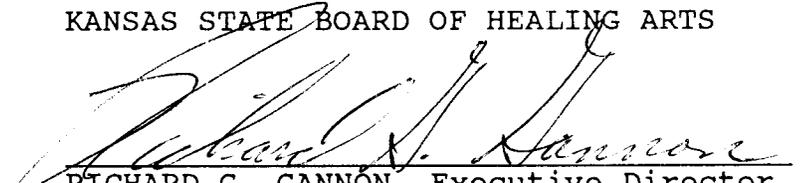
11. That it is understood and agreed that the provisions of this Stipulation are to be strictly construed and adhered to by the parties.

12. That this Stipulation constitutes the entire agreement between the parties and there are no other agreements or understandings not set forth herein. This Stipulation may be modified or amended only by written instrument executed by the parties hereto.

13. This Stipulation shall remain in full force and effect until modified, amended or rescinded by the parties hereto.

WHEREFORE, the parties hereto have executed this agreement on the date indicated below their signature, it being specifically understood that the effective date of this agreement will be the date it has been signed by both parties hereto.

KANSAS STATE BOARD OF HEALING ARTS

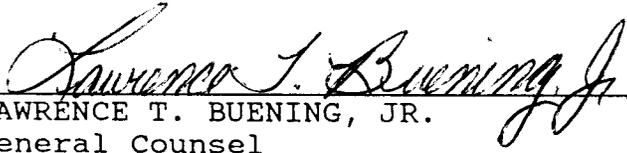

RICHARD G. GANNON, Executive Director
"Board"

2-11-89
DATE


FRANCIS ABRAHAM, D.P.M.
"Licensee"

1-30-89
DATE

Prepared and Approved by:



LAWRENCE T. BUENING, JR.
General Counsel
Kansas State Board of Healing Arts
900 SW Jackson, Suite 553
Topeka, Kansas 66612
(913) 296-7413

Approved by:



JAMES HERNANDEZ
833 N. Waco
Wichita, Kansas 67203
(316) 263-4958
Attorney for Licensee

BEFORE THE KANSAS STATE BOARD OF HEALING ARTS

In the Matter of
FRANCIS ABRAHAM, D.P.M., Licensee
Kansas License Number 85

ENFORCEMENT ORDER

NOW, on this 11th day of February, 1989, this matter comes before the Board as a result of the Stipulation having been entered into between the Board and the above-named licensee. The Kansas State Board of Healing Arts appears by and through its General Counsel, Lawrence T. Buening, Jr. There are no other appearances.

After examining the files, hearing the statements of counsel and being otherwise duly advised in the premises, the Board finds as follows:

1. That Licensee may have committed certain acts which may be in violation of the Kansas Healing Arts Act for which disciplinary proceedings may be initiated.

2. That in lieu of initiation of formal adjudicative proceedings under the Kansas Administrative Procedure Act, the Board and Licensee have heretofore entered into a Stipulation dated February 11th, 1989, a copy of which is attached hereto as Exhibit A, in which the parties have agreed to the following:

A. Licensee shall perform no surgical procedures on either an outpatient or inpatient basis which would either involve or otherwise affect bone or neuromas without the personal attendance and supervision of a qualified individual approved by the Board. Surgical procedures may be performed which are limited to toenails, papillomas, superficial skin lesions, ganglions and epidermoid cysts in the absence of such personal attendance and supervision.

B. Licensee shall, from and after the date of this Enforcement Order, provide the Board, at least weekly, a list of all individuals upon whom he has performed any surgical procedure whether in a hospital, other

institution or Licensee's office. The list shall contain patient name, date of procedure, description of procedure, location where procedure was performed and name of individual, if any, who personally attended or supervised the procedure in addition to Licensee. Licensee is to provide patient records as may be requested by the Board and at no cost to the Board.

C. Licensee shall attend, and successfully complete a minimum of one week mini residency program devoted to surgical techniques and the preoperative criteria for surgery, including the medical, biomechanical and surgical indications therefor. The course is to be approved by the Board and shall be equivalent to program offered by the Podiatry Institute in Atlanta, Georgia.

3. That Licensee has previously provided the Board with the name of a licensee who shall provide the personal attendance and supervision required by paragraph 2A and has provided proof of successful completion of a mini-residency program in accordance with paragraph 2C. That said individual and the course successfully completed by Licensee should be approved by the Board.

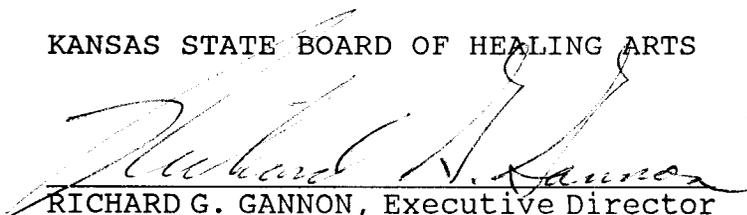
IT IS THEREFORE BY THE BOARD CONSIDERED AND ORDERED that the findings hereinabove made by and the same are hereby made the order and decree of the Board.

It is ordered that the Stipulation attached hereto as Exhibit A be hereby approved and made binding upon the Board.

It is further ordered that any violation of the Stipulation shall constitute prima facie evidence of a violation of the Healing Arts Act and formal adjudicative proceedings may be initiated against Licensee for the revocation, suspension or limitation of said Licensee's license to practice podiatry in the State of Kansas.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS


RICHARD G. GANNON, Executive Director

Prepared and Approved by:
LAWRENCE T. BUENING, JR.
General Counsel
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