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

KS State Board of Healing Arts

In the Matter of)
)
JOSE M. BEJAR, M.D.)
Kansas License No. 04-19760)

Docket No. 13-HA00102

CONSENT ORDER FOR SURRENDER OF LICENSE

COMES NOW, the Kansas State Board of Healing Arts. ("Board"), by and through Litigation Counsel, Reese H. Hays ("Petitioner"), and Jose M. Bejar ("Licensee"), by and through his counsel, Terry E. Beck, Beck Legal Office, LLC, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address as provided to the Board is: **Confidential**
Confidential Topeka, Kansas 66610.
2. Licensee has been entitled to engage in practice medicine and surgery in the State of Kansas, having been issued License No. 04-19760 on approximately December 10, 1982, and having last renewed his Federally Active license on approximately July 1, 2012.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.* and K.S.A. 65-2869.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and 65-2838. Upon approval, these stipulations shall

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constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
8. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A.65-2836 and 65-2837, to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*
9. On or about March 4, 2013, Licensee pleaded Nolo Contendere Guilty and was found guilty of Aggravated Sexual Battery Victim Overcome by Fear or Force, a

Level 5 Person Felony, and of Sexual Battery, a Class A Misdemeanor, in the Kansas District Court Third Judicial District, Shawnee County, Kansas in case *State of Kansas vs. Jose M. Bejar*, Case No. 12-CR-1048 Division 2.

10. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board. Licensee's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-2836.
11. Licensee violated K.S.A. 65-2836(c), by being convicted of a felony and of a class A misdemeanor, in that he was convicted on or about March 4, 2013, of Aggravated Sexual Battery Victim Overcome by Fear or Force, a Level 5 Person Felony, and of Sexual Battery, a Class A Misdemeanor, in the Kansas District Court Third Judicial District, Shawnee County, Kansas in case *State of Kansas vs. Jose M. Bejar*, Case No. 12-CR-1048 Division 2.
12. Pursuant to K.S.A. 65-2836(c), the Board shall revoke a licensee's license following conviction of a felony occurring after July 1, 2000, unless 2/3 majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficient rehabilitated to warrant the public trust.

13. Licensee does not admit the following actions occurred; however, Licensee agrees based solely upon the evidence gathered by the Board, the Board has sufficient evidence to find that Licensee violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(16), by committing several acts of sexual abuse, misconduct, and other improper sexual contact with Patient 1 by exploiting the licensee-patient relationship that was established with Patient 1.
14. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's license, and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.
15. According to K.S.A. 65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
16. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.
17. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including

the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

18. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.
19. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.
20. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.
21. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future

proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

22. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
23. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
24. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine and surgery in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.
25. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.
26. This Consent Order constitutes disciplinary action.
27. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
28. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action on his license to engage in the practice of medicine and surgery:

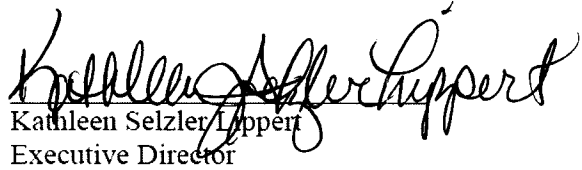
SURRENDER

29. Licensee hereby surrenders his license to practice medicine and surgery. Such surrender shall be treated as a revocation for all purposes including reporting. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.
30. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in this Consent Order will be considered as findings of fact and conclusions of law.
31. Licensee shall place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board on or before May 1, 2013, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.

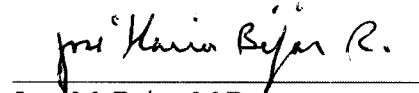
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 20th day of May, 2013.

**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**



Kathleen Selzler Lippert
Executive Director

5/20/13
Date


Jose M. Bejar, M.D.
Licensee

5.16.13
Date

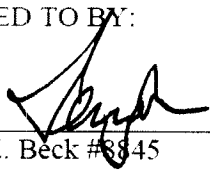
~~PREPARED AND APPROVED BY:~~



Reese Hays, #22700
Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
785-296-0961

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AGREED TO BY:



Terry E. Beck #8845
Attorney for Licensee
Beck Law Office
434 SW Topeka Blvd.
Topeka, KS 66603-3152
785-235-3415

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 20th day of May, 2013, to the following:

Jose M. Bejar, M.D.
Licensee
Confidential
Topeka, Kansas 66610

Terry Beck
Attorney for Licensee
Beck Law Office
434 SW Topeka Blvd.
Topeka, KS 66603-3152

And the original was hand-filed with:

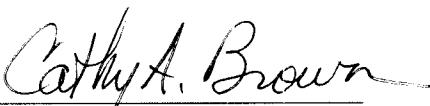
Kathleen Selzler Lippert
Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was hand-delivered to:

Reese Hays
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800 SW Jackson, Lower Level-Suite A
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Katy Lenahan
Licensing Administrator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612


Cathy A. Brown

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