

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

MAR 7 1995

IN THE MATTER OF )  
 )  
VELTIN J. BOUDREAU, M.D. )  
Kansas License No. 04-14767 )

Case # 94-00179

**KANSAS STATE BOARD OF  
HEALING ARTS**

STIPULATION AND AGREEMENT  
AND ENFORCEMENT ORDER

COMES NOW, the Kansas State Board of Healing Arts ("Board") by and through Kevin K. LaChance, Disciplinary Counsel, and Veltin J. Boudreaux, M.D. ("Licensee") and stipulate and agree as follows:

1. 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; K.S.A. 65-2869. Licensee admits that this Stipulation and Agreement and Enforcement Order ("Stipulation") and the filing of such document are in accordance with the requirements of law; that the Board has jurisdiction to consider the Stipulation and is lawfully constituted to consider this matter to include consideration of this Stipulation. Licensee further notes that the Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee further acknowledges that the Board, acting in this matter, is not acting beyond the jurisdiction referred to it by any provision of law.

2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued license number 04-14767 on June 5, 1971. At all times relevant to the allegations set forth below, Licensee has held a current license to engage in the practice of medicine and surgery in the State of Kansas, having last renewed his license on May 27, 1994, as an exempt license. Licensee submitted an application to place his license on exempt status on January 28, 1994. The application was approved. Licensee has not engaged in the practice of medicine in Kansas since being placed on medical leave in the Fall of 1993.

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Under the provisions of K.S.A. 65-2838(a), the Board has jurisdiction to impose appropriate discipline if a licensee to the Board has engaged in any commissions or omissions to bring licensee within the purview of K.S.A. 65-2836. Under the provisions of K.S.A. 65-2838(b), the Board has authority to enter into this Stipulation without the necessity of proceeding to a formal hearing. Licensee voluntarily and affirmatively waives his right to a hearing pertaining to any matter under the jurisdiction of the Board regarding his license to engage in the practice of medicine and surgery. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, to conduct such cross-examination of witnesses as may be desired and to waive any and all substantive and procedural motions and defenses that could be raised if an administrative hearing would be held.

The terms and conditions of the Stipulation 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 Stipulation shall not be binding on the Board until an authorized signature is affixed at the end of

this document. Upon signature by Licensee to this document, it shall be deemed a unilateral contract and agreement and shall bind Licensee to the terms and conditions set forth in the Stipulation whether or not the Board's signature is affixed to the document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign for nor bind the Board.

5. In consideration of the conditions, terms, covenants, and promises contained herein, the parties agree as follows:

a) In lieu of the initiation of formal proceedings and/or findings by the Board, Licensee, by signature attached to this Stipulation and Agreement, hereby voluntarily agrees to the following restrictions placed on his license to engage in the practice of medicine and surgery in the State of Kansas:

i) Licensee agrees he shall not practice medicine and surgery in the State of Kansas, except as provided for in this paragraph. While licensed in an exempt status, Licensee may perform those activities allowed under the provisions of K.A.R. 100-10a-4(a)(1).

ii) The parties agree that Licensee may petition the Board to change his license status to allow Licensee to actively engage in the practice of medicine and surgery. Licensee agrees that in any proceeding upon such petition he shall bear the burden of showing the Board by clear and convincing evidence that (a) he is physically capable of performing the duties of a medical doctor in the specialty in which he desires to actively practice with reasonable skill and safety for the citizens of Kansas, and (b) that he possesses the skill, expertise and training to perform the specialty practice in which he intends to actively practice medicine and surgery. Notwithstanding the previous sentence, Licensee agrees that he may never practice the specialty of radiology in the State of Kansas, and agrees that he will not apply for change of licensure status with the intention to practice radiology.

b) Licensee's failure to comply with the provisions of the

Stipulation will result in the Board taking disciplinary action as the Board deems appropriate in compliance with the Kansas Administrative Procedure Act and/or the terms of this Stipulation. It is further understood that if Licensee fails to fulfill any of the obligations under the Stipulation, the Board will be released from the Stipulation and shall be free to take whatever steps it deems appropriate to include exercise of its right to issue a Summary Revocation Order as set forth below. Licensee acknowledges that proof submitted to the Board by an Affidavit or other form that Licensee has failed to meet the conditions of the Stipulation or any provision of Kansas law shall be deemed good and sufficient evidence to support the alleged violation to determine noncompliance with this Stipulation. Any breach of the Stipulation may result in the Board issuing a Summary Revocation Order of Licensee's license to engaged in the practice of medicine and surgery in the State of Kansas in which Licensee agrees not to contest, defend, or challenge in any civil or administrative proceeding.

c) Nothing in this agreement shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 et seq, that are unknown and are not covered under the conditions of this Stipulation, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act, including the information which provides the basis for this Stipulation.

d) This Stipulation constitutes the entire agreement between the parties and may only be modified and/or amended by a subsequent document executed in the same manner by the parties.

e) Licensee acknowledges that he has read this Stipulation and fully understands its contents. Licensee acknowledges that this Stipulation has been entered in freely and voluntary given.

f) Licensee releases the Board, its employees and agents, from all claims to mean those damages, actions, liabilities and causes of actions,

both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions; K.S.A. 77-601 et seq. This release shall discharge the Board 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 Board, its employees or agents, arising out of acts leading to the execution of this Stipulation and Agreement or the contents of this Stipulation and Agreement.

g) Licensee acknowledges that this document shall be deemed a public record upon Licensee's signing this document, whether or not an authorized Board signature appears on same, and shall be reportable to the National Practitioner Data Bank, Federation of State Medical Boards, and other reporting agencies, as required by law.

6. All correspondence or communication between Licensee and the Board shall be by certified mail addressed to Kansas State Board of Healing Arts, ATTENTION: Disciplinary Counsel, 235 S. Topeka Boulevard, Topeka, Kansas 66603-3068.

7. 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 Stipulation and Agreement or may become effective subsequent to the execution of this document.

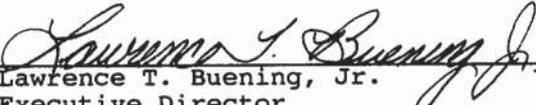
8. Licensee has an affirmative duty to notify the Board of changes in his personal professional status which would inhibit compliance with the above conditions in this Stipulation.

9. Upon execution of this Stipulation by the affixing of a Board authorized signature, the provisions of this Stipulation shall become an Order of the Board and shall be deemed a proper and lawful Enforcement Order under K.S.A. 65-2838. This Stipulation shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further

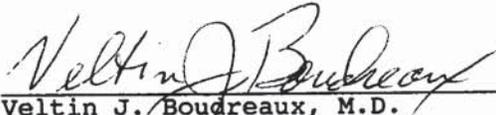
Order is required.

IN WITNESS WHEREOF, the parties have executed this agreement on the

7<sup>th</sup> day of March, 1995.

  
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Lawrence T. Buening, Jr.  
Executive Director

March 7, 1995  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Veltin J. Boudreaux, M.D.  
Licensee

21 Feb. 95  
\_\_\_\_\_  
Date

Prepared and Approved As To Form By:



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Kevin K. LaChance, #15058  
Disciplinary Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068  
(913) 296-7413



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Samuel K. Cullan, #13679  
Counsel for Licensee  
5600 N.E. Antioch Road  
Kansas City, Missouri 64119  
(816) 861-7600

**CERTIFICATE OF SERVICE**

I, Kevin K. LaChance, Disciplinary Counsel, certify that on this 8<sup>th</sup> day of February, 1995, a true and correct copy of the above **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** was deposited in the United States mail, first class, postage prepaid, addressed to the following:

Samuel K. Cullan, M.D., J.D.  
5600 N.E. Antioch Road  
Kansas City, Missouri 64119

Veltin Boudreaux, M.D.  
4632 N. Westlake Drive  
Wichita, Kansas 67220

and the original was hand-delivered to:

Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603-3068

  
\_\_\_\_\_  
Kevin K. LaChance