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STIPULATION

THIS AGREEMENT made and entered into this 1st day of August, 1986 by and between THE KANSAS STATE BOARD OF HEALING ARTS (hereinafter referred to as "Board") and PAUL B. BURGER, M.D. (hereinafter referred to as "Licensee").

WITNESSETH:

WHEREAS, Licensee is duly licensed to practice medicine and surgery in the State of Kansas and is the holder of certificate #9849; and

WHEREAS, certain matters have been brought to the attention of the Board regarding Licensee's practice, particularly the prescribing of Dilaudid (hydromorphone hydrochloride) for the alleged purpose of treating patients with chemical dependency to such drugs; and

WHEREAS, these concerns were discussed on an informal basis with the Licensee at a meeting in the Board office on June 20, 1986; and

WHEREAS, in lieu of any further investigation by the Board or a determination as to whether or not a formal adjudicative proceeding should be filed, the parties mutually desire to enter into this stipulation.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein the parties hereto agree as follows:

1. That Licensee shall forthwith cease and desist from dispensing, prescribing or administering the drug Dilaudid (hydromorphone hydrochloride) to any persons.

2. That Licensee shall not treat any person who is or may be chemically dependent, a drug abuser or who is incapacitated by drugs for such abuse, dependency or incapacity. In lieu of treating such persons for any abuse, dependency or incapacity, Licensee shall refer them to an approved private treatment facility or an approved public treatment facility.

3. As used in this stipulation, the terms "drug abuser", "incapacitated by drugs", "approved private treatment facility" and "approved public treatment facility" shall have the meanings attributed to them in K.S.A. 65-5201, a copy of which is attached to this stipulation.

4. The prohibitions set forth in paragraph 2 above are not to be construed to limit the ability of the Licensee to treat

patients who are drug abusers, chemically dependent or incapacitated by drugs for other medical problems whether or not such medical problems may be related to abuse, dependency or incapacity. Further, this stipulation is not intended to limit the ability of the Licensee to provide care and treatment of alcoholic or intoxicated persons or persons incapacitated by alcohol.

5. The provision of this stipulation are to be strictly construed and adhered to. In the event any of the conditions herein are not fully met, this stipulation, at the option of the Board, may become null and void and the Board shall have the right to direct that formal adjudicative proceedings be filed against Licensee.

6. This stipulation constitutes the entire agreement between the parties and there are no other agreements or understandings set forth herein. This stipulation may be modified or amended only by written agreement signed by the parties.

7. This stipulation shall remain in full force and effect until modified, amended or rescinded by the parties hereto;

PROVIDED, HOWEVER, Licensee may, at any time, request an appearance before the Board to discuss modification, amendment or rescision of this stipulation and the Board will give such request due consideration.

IN WITNESS WHEREOF, the parties hereto have executed this stipulation on the date indicated below their signatures, it being expressly understood that this stipulation will not become effective until it has been signed by both parties hereto.

KANSAS STATE BOARD OF HEALING ARTS

By: Richard A. Uhlrig, MD
RICHARD A. UHLIG, SECRETARY
"Board"

August 1, 1986
DATE

Paul B. Burger, MD
PAUL B. BURGER, M.D.
"Licensee"

6/26/86
DATE