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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*

**JULIE R. BURRIS, M.D.  
Kansas License No. 04-26357**

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**Docket No.: 11-HA00109  
OAH No.: 11HA0011**

**CONSENT ORDER**

COMES NOW Petitioner, by and through Lori D. Dougherty, Associate Litigation Counsel, and Respondent Julie R. Burris, M.D., by and through her attorney, Anthony Singer, of Woodard, Hernandez, Roth & Day, LLC, and respectfully 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. Julie R. Burris, M.D.'s ("Licensee") last known mailing address to the Board is: 13213 West 21st Street North, Wichita, KS 67235.
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 No. 04-26357 on approximately August 17, 1996, and having last renewed such license on approximately May 20, 2010.
3. Licensee's license is currently suspended under an *Ex Parte* Emergency Order of Suspension, issued on May 26, 2011.
4. 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.
5. 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 constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Kansas Healing Arts Act is constitutional on its face and as applied in the case.
7. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
8. A Petition was filed with the Board in this matter on May 26, 2011, alleging grounds for disciplinary action under the Kansas Healing Arts Act. The specific allegations are set forth therein and incorporated into this Consent Order.
9. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her 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.
10. 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.
11. Licensee waives her right to contest the allegations contained in the Petition and consents to a finding that there are grounds for the Board to pursue disciplinary action against her license.

12. Licensee admits no wrongdoing and further neither admits nor denies the allegations in the Petition. 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 allegations contained in the Petition. Licensee further waives her right to dispute or otherwise contest these allegations in any future proceeding before this Board.
13. The Board has received information and investigated the same, and has reason to believe there are grounds pursuant to K.S.A. 65-2836, 65-2837, and 65-2801 *et seq.* to take action with respect to Licensee's license under the Kansas Healing Arts Act.
14. Licensee has not been the subject of previous Board action.
15. Licensee's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-2836. Specifically, grounds to discipline include:
  - a. Licensee violated K.S.A. 65-2836(b), as set forth in:
    - i. K.S.A. 65-2837(b)(12), in that Licensee has committed conduct likely to deceive, defraud or harm the public in violation of the Kansas Healing Arts Act; and
    - ii. K.S.A. 65-2837(b)(23), in that Licensee has prescribed, dispensed, administered, or distributed a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee's professional practice.

b.

confidential

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d. Licensee has violated K.S.A. 65-2836(p), in that Licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes.

16. Pursuant to K.S.A. 65-2836, the Board may revoke Licensee's license; alternatively, Licensee may surrender her license while under investigation. Pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.
17. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
18. All pending investigation materials regarding Board Investigation No. 11-00565 were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 26 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
19. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action on her license to engage in the practice of medicine and surgery:

**SURRENDER**

- a. Licensee hereby surrenders her license to practice medicine and surgery, effective upon filing of this Consent Order with the Board. Such surrender of license shall

be treated as a revocation for purposes of reporting such action. 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. Licensee shall be required to pay the fee for reinstatement of a revoked license with any application for reinstatement.

- b. Licensee agrees that in the event she applies for reinstatement of her license, the allegations contained in the Petition will be considered as findings of fact and conclusions of law.
- c. The burden of proof by clear and convincing evidence shall be on the Licensee to show sufficient rehabilitation to justify reinstatement of the license. All proceedings conducted on an application for reinstatement shall be in accordance with the provisions of the Kansas Administrative Procedure Act and shall be reviewable in accordance with the Kansas Judicial Review Act.
- d. Licensee shall place her 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 September 1, 2011, 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.

- e. Licensee shall ensure that all patients and any other person or entity authorized by law to obtain patient records have access to medical records. Specifically, Licensee will comply with K.S.A. 65-4970, 65-4971, 65-4972, 65-4973 and K.A.R. 100-22-1, 100-24-2 and 100-24-3 and all other applicable statutes, rules, or regulations.
20. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.
21. 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.
22. 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.
23. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National Practitioner Data Bank, Federation of State Medical Boards, and any other entities authorized to receive disclosure of the Consent Order.
  24. 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.
  25. 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.
  26. 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.
  27. Licensee acknowledges that she has read this Consent Order and fully understands the contents.

28. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
29. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 800 SW Jackson, Lower Level Suite A, Topeka, Kansas 66612.
30. 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.
31. 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 Final Order when filed with the office of the Executive Director for the Board and no further Order is required.
32. This Consent Order constitutes disciplinary action.
33. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

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

**IT IS FURTHER ORDERED** that:

**SURRENDER**

- a. Licensee hereby surrenders her license to practice medicine and surgery, effective upon filing of this Consent Order with the Board. Such surrender of license shall

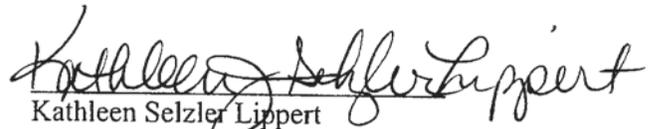
be treated as a revocation for purposes of reporting such action. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement. Licensee shall be required to pay the fee for reinstatement of a revoked license with any application for reinstatement.

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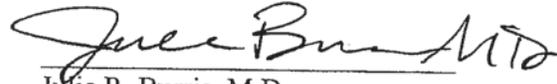
- e. Licensee shall ensure that all patients and any other person or entity authorized by law to obtain patient records have access to medical records. Specifically, Licensee will comply with K.S.A. 65-4970, 65-4971, 65-4972, 65-4973 and K.A.R. 100-22-1, 100-24-2 and 100-24-3 and all other applicable statutes, rules, or regulations.

IT IS SO ORDERED on this 28<sup>th</sup> day of July, 2011.

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

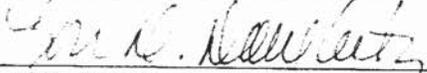
  
Kathleen Selzler Lippert  
Executive Director

7-28-11  
Date

  
Julie R. Burris, M.D.  
Licensee

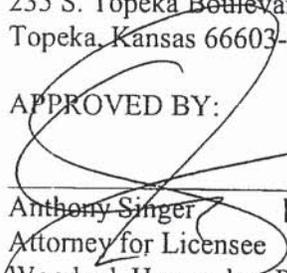
7/27/11  
Date

PREPARED AND APPROVED BY:



Lori D. Dougherty, #22696  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

APPROVED BY:

  
Anthony Singer 18771  
Attorney for Licensee  
Woodard, Hernandez, Roth & Day, L.L.C.  
245 N. Waco, Suite 260  
Wichita, KS 67202

**CERTIFICATE OF SERVICE**

I, Jennifer Nail, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 20<sup>th</sup> day of July, 2011, to the following:

Julie R. Burris, M.D.  
Licensee  
13213 West 21st Street North  
Wichita, KS 67235.

Anthony Singer  
Attorney for Licensee  
Woodard, Hernandez, Roth & Day, L.L.C.  
245 N. Waco, Suite 260  
Wichita, KS 67202

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, KS 66612

And a copy was hand-delivered to:

Lori D. Dougherty, #22696  
Associate Litigation Counsel  
Melissa Massey  
Compliance Coordinator  
Katy Lenahan  
Licensing Administrator  
Kansas Board of Healing Arts  
800 SW Jackson  
Lower Level Suite A  
Topeka, KS 66612

Jennifer K. Nail