

STIPULATION

THIS AGREEMENT made and entered into this 24th day of April, 1990, by and between RAFAEL CALABRIA, M.D. (hereinafter referred to as "Applicant") and the KANSAS STATE BOARD OF HEALING ARTS (hereinafter referred to as "Board").

WITNESSETH:

WHEREAS, on or about November 21, 1989, Applicant filed with the Board an application for endorsement to obtain a license to practice medicine and surgery in the State of Kansas; and

WHEREAS, applicant was requested to provide additional information, which information has now been received by the Board and the application deemed to be complete; and

WHEREAS, the Board has received information indicating actions have been taken by the appropriate licensing bodies of the states of New York, Connecticut and Missouri affecting Applicant's license to practice in those states; and

WHEREAS, the actions taken by the states of New York, Connecticut and Missouri enable Applicant to engage in the practice of medicine and surgery in those states subject to his continued compliance with certain restrictions, requirements and obligations which have been imposed; and

WHEREAS, the investigation conducted by the Board reveals the actions taken by the aforementioned states have been based upon either disciplinary actions taken by one of those states or his

prescribing practices to patients in 1978 and/or Confidential

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and

WHEREAS, on March 24, 1989, the State of Illinois indefinitely suspended Applicant's license to practice medicine and surgery in that state, it appearing to the Board such action was taken based upon the conduct found to have occurred or the actions taken by the three aforementioned states; and

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NOW, THEREFORE, in consideration of the granting to Applicant of a temporary permit to practice medicine and surgery in the State of Kansas and the other mutual covenants and promises contained herein, the parties hereto agree as follows:

1. The Board, immediately upon receipt of Applicant's signed copy of this Stipulation, will issue to Applicant a temporary permit to engage in the practice of medicine and surgery in the State of Kansas.

2. Upon receipt of a temporary and, subsequent permanent license to practice medicine and surgery in the State of Kansas, Applicant agrees as follows:

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d. To comply with and abide by all of the restrictions, requirements and obligations placed upon him by the medical licensing agencies of the states of New York, Connecticut and Missouri for as long as any such restrictions, requirements and obligations so imposed remain in effect.

e. To notify the Board of any modification to his license status in the states of New York, Connecticut and Missouri and any modification to the restrictions, requirements and obligations placed upon him by the licensing agencies in those states.

3. This Stipulation shall be binding upon both the Board and Applicant upon its approval by both parties and the issuance of an Enforcement Order in accordance therewith. In the event Applicant, prior to the issuance by the Board of a permanent license to practice medicine and surgery in the State of Kansas, shall violate any of the terms and conditions of this Stipulation, the Board may refuse to grant a permanent license to Applicant and further may take such action as it deems necessary to suspend, revoke or otherwise limit any temporary permit which may have been granted to Applicant.

4. This Stipulation and the promises and obligations contained herein shall remain in effect for as long as Applicant shall have a temporary permit or permanent license to practice

medicine and surgery in the State of Kansas, provided, however, should Applicant adhere to all of the restrictions, requirements and obligations imposed upon him by the states of New York, Connecticut and Missouri, Confidential

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Confidential and the terms and conditions of this Stipulation, Applicant may request the rescission of this Stipulation and such request will be given due consideration by the Board.

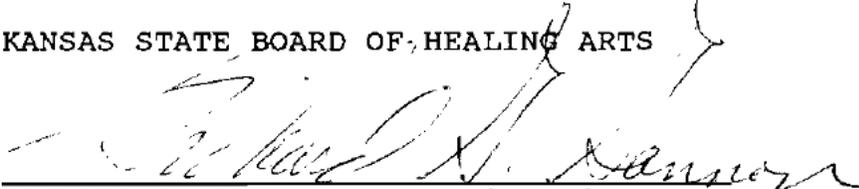
5. Applicant understands that the failure to comply with any of the terms and conditions hereinabove set forth will constitute a violation of the Kansas Healing Arts Act and may result in proceedings to revoke, suspend or limit the temporary permit issued to applicant or any permanent license which may be issued to Applicant.

6. This Stipulation contains the entire agreement between the parties hereto and the terms hereof are understood to be strictly construed and to be adhered to.

7. Applicant has entered into this Stipulation freely and voluntarily as a consideration for the issuance of a temporary permit and acknowledges that there has been no coercion or duress imposed upon him to enter into this Stipulation.

IN WITNESS WHEREOF, the parties hereto have entered into this agreement the date and year indicated below their signature, it being specifically understood this agreement shall not become effective and binding upon both parties until it has been executed and approved by both parties hereto.

KANSAS STATE BOARD OF HEALING ARTS


RICHARD G. GANNON, Executive Director
"Board"

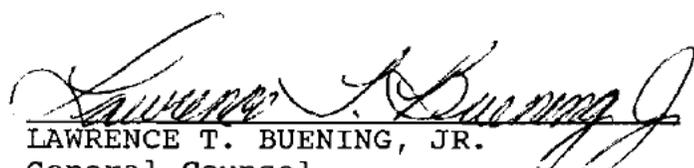
1-24-90
DATE

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RAFAEL CALABRIA, M.D.
"Applicant"

April 3, 1990
DATE

Prepared and Approved by:


LAWRENCE T. BUENING, JR.
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-7413

BEFORE THE KANSAS STATE BOARD OF HEALING ARTS

In the Matter of
RAFAEL CALABRIA, M.D., Licensee
Temporary Kansas License Number 41599;

ENFORCEMENT ORDER

NOW, on this 25th day of April, 1990, 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 in other states which may be in violation of the Kansas Healing Arts Act for which licensure may be denied.

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 April 24, 1990, a copy of which is attached hereto as Exhibit A, in which the parties have agreed to the following:

1. The Board, immediately upon receipt of Applicant's signed copy of Stipulation, has issued to Applicant a temporary permit to engage in the practice of medicine and surgery in the State of Kansas.

2. Upon receipt of a temporary and, subsequent permanent license to practice medicine and surgery in the State of Kansas, Applicant agrees as follows:

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d. To comply with and abide by all of the restrictions, requirements and obligations placed upon him by the medical licensing agencies of the states of New York, Connecticut and Missouri for as long as any such restrictions, requirements and obligations so imposed remain in effect.

e. To notify the Board of any modification to his license status in the states of New York, Connecticut and Missouri and any modification to the restrictions, requirements and obligations placed upon him by the licensing agencies in those states.

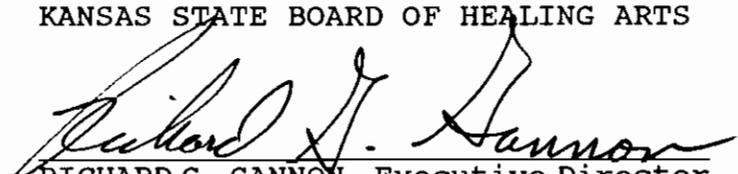
IT IS THEREFORE BY THE BOARD CONSIDERED AND ORDERED that the findings hereinabove made by and the same are hereby made the order and decree of the Board.

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 medicine and surgery 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
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-7413

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., General Counsel for the Kansas State Board of Healing Arts, hereby certify on this 25th day of April, 1990, a true and correct copy of the above and foregoing Enforcement Order, was deposited in the U.S. mail, first class, postage prepaid, to:

Rafael Calabria, M.D.
Route 1 - Box 842
Nevada, MO 64772



LAWRENCE T. BUENING, JR