

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

IN THE MATTER)
of the Application of)
MING-CHUNG CHEN, M.D.)
)
)
_____)

APR 19 1993

**KANSAS STATE BOARD OF
HEALING ARTS**

STIPULATION

This Agreement, made and entered into this 5 day of April, 1993, by and between the Kansas State Board of Healing Arts (hereafter "Board"), and Ming-Chung Chen, M.D., (hereafter "Applicant").

WITNESSETH:

WHEREAS, the Board is the sole and exclusive regulatory agency in the State of Kansas regarding the practice of the healing arts, specifically medicine and surgery; and

WHEREAS, on March 3, 1993, Applicant filed with the Board an application for endorsement for license to practice medicine and surgery in the state of Kansas; and

WHEREAS, on July 31, 1992, the North Dakota State Board of Medical Examiners issued a license to Applicant subject to three terms and conditions; and

WHEREAS, the issuance of a limited license to Applicant by the State of North Dakota could constitute grounds to refuse to grant Applicant's application for endorsement license pursuant to K.S.A. 65-2836(j); and

WHEREAS, Applicant has applied for and paid the fee to receive a temporary permit to practice medicine and surgery in this state under K.S.A. 65-2811(a)(1) until a permanent license is issued or denied by the Board and Applicant is desirous of immediately commencing the practice of medicine and surgery in this state.

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

1. Upon Applicant's execution of this Stipulation, Applicant will be issued a temporary permit under the provisions of K.S.A. 65-2811(a)(1) to practice medicine and surgery in the state of Kansas pending final action by the Board on the application for endorsement license, which permit will expire on August 15, 1993.

2. Upon the issuance of a temporary permit to Applicant, Applicant hereby voluntarily stipulates and agrees that he will not engage in the practice of obstetrics in the state of Kansas.

3. Applicant agrees that the Board may table action on the application for endorsement license until its meeting to be held August 7, 1993 and that prior to such time Applicant shall be entitled to provide additional information reflecting continuing education hours obtained in obstetrics, including fetal heart monitoring, as well as any other information or recommendations to support a conclusion that Applicant is currently competent to practice obstetrics.

4. That prior to the Board meeting on August 7, 1993, the Board will conduct additional investigation into the reasons and basis for the limitation and conditions of licensure placed on Applicant's license by the North Dakota Board of Medical Examiners and will also conduct further investigation into Applicant's obstetrical practice while in the states of Indiana and West Virginia.

5. This Agreement has been entered into with the intention to enable Applicant to immediately commence the practice of medicine and surgery in this state and Applicant has agreed to voluntarily limit his practice of obstetrics in this state so as to enable the Board to issue a temporary permit pursuant to the terms of this Agreement rather than to conduct additional investigation and withhold issuance of a temporary permit until such investigation is concluded as would be allowed within the time limitations established by the Kansas Administrative Procedure Act.

6. Nothing in this Agreement shall be construed to deny the Board jurisdiction to investigate any alleged violations of the Healing Arts Act or to investigate complaints received under the Kansas Risk Management Law, K.S.A. 65-4921 et seq., that are unknown or that are not covered under the conditions of this Stipulation or any past acts which are unknown to the Board or subsequent acts which may become known to the Board.

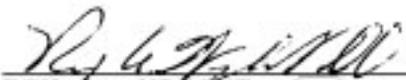
7. This Stipulation constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

8. It is acknowledged that this document will, upon execution by both parties, become a public record provided, however, Applicant's voluntarily limitation of the practice of obstetrics in the state of Kansas and the limitation imposed by this Agreement shall not constitute a disciplinary action and shall not be reportable as such to any reporting entity.

9. By execution of this Agreement, Applicant is not waiving any rights to hearing or appeal which he may have at such time as the Board acts upon Applicant's application for license by endorsement and it is mutually agreed that all such proceedings will be conducted in accordance with the Kansas Administrative Procedure Act. This Stipulation and the promises and obligations contained herein shall remain in effect until such time as the Board has acted to either issue or deny to Applicant a permanent license to practice medicine and surgery in the state of Kansas.

IN WITNESS WHEREOF, the parties have executed this agreement on the date indicated below their signature, it being specifically and expressly understood that the Stipulation will be a unilateral contract binding upon Applicant at such time as it been executed by him.

KANSAS STATE BOARD OF HEALING ARTS



REX A. WRIGHT, D.C.
Board President

4-17-93

Date



STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER
Ming-Chung Chen, M.D.

APPLICANT

Ming-Chung Chen M.D.
MING-CHUNG CHEN, M.D.

4-9-93

Date

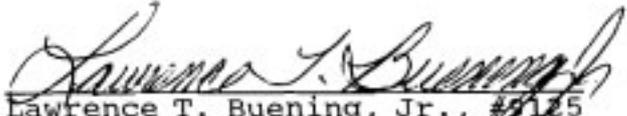
CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., hereby certify that a copy of the above and foregoing Stipulation was mailed, postage prepaid, first class this 9 day of April, 1992 to the following:

Ming-Chung Chen, M.D.
P.O. Box 40
Hamilton, Indiana 46762

and the original was hand-delivered to:

Charlene K. Abbott
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603


Lawrence T. Buening, Jr., #5125

LTB19/chen.stp

Ming-Chung Chen M.D.
STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER
Ming-Chung Chen, M.D.