

**FILED**

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

AUG 25 1994

**KANSAS STATE BOARD OF  
HEALING ARTS**

In the Matter of )  
 )  
WILLIAM J. CISKEY, SR., M.D. )  
Applicant for Reinstatement )  
Kansas License No. 4-15549 )  
\_\_\_\_\_ )

Case No. 94-00160

**STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**

COMES NOW the Kansas State Board of Healing Arts ("Board") and William J. Ciskey, Sr., M.D. ("Applicant") and stipulate and agree as follows:

1. The Board is the sole and exclusive administrative agency in the State of Kansas statutorily authorized to regulate the practice of the healing arts to include the practice of medicine and surgery pursuant to K.S.A. 65-2801 et seq.; K.S.A. 65-2869.

2. Applicant has made application to the Board for reinstatement of his permanent license to practice medicine and surgery in the State of Kansas in an active status.

3. Applicant was originally licensed to practice medicine and surgery in the State of Kansas on December 7, 1973. On April 17, 1992, Applicant entered into a Stipulation and Agreement and Enforcement Order whereby Applicant voluntarily surrendered his license to engage in the practice of medicine and surgery. Such surrender of license was treated as a surrender during a pending disciplinary investigation CONFIDENTIAL

4. There may be probable cause to believe grounds may exist to deny Applicant's

**STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**

William J. Ciskey, Sr., M.D.

request for reinstatement. Specifically, Applicant has entered into a previous Stipulation with the Board CONFIDENTIAL and Applicant may be unable to practice medicine and surgery with reasonable skill and safety to patients CONFIDENTIAL

5. Under the provisions of K.S.A. 65-2838(b), the Board has the authority to enter into this Stipulation and Agreement and Enforcement Order ("Stipulation") in lieu of denying Applicant's application for reinstatement.

6. It is the intent and purpose of this Stipulation to provide for settlement of all issues without the necessity of proceeding to a formal disciplinary hearing. By executing this Stipulation, Applicant waives all procedural and due process requirements afforded to him by the Kansas Administrative Procedure Act, K.S.A. 1993 Supp. 77-501 et seq.

7. The terms and conditions of this Stipulation are entered into between the parties to become an Order of the Board which shall not become binding on the Board until a Board-authorized signature is affixed on the last page of this document. Applicant acknowledges that counsel for the Board is not authorized to sign for nor bind the Board.

8. Applicant agrees this Stipulation and the filing of this document are in accordance with the requirements of law, that the Board has jurisdiction to consider this Stipulation and that the Board is lawfully constituted to consider this matter. Applicant further agrees the Kansas Healing Arts Act, K.S.A. 65-2801 et seq., as set forth by statute and as recited in this Stipulation, is constitutional on its face and as applied in this case.

9. Applicant agrees that the following conditions, restrictions, and limitations be

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**STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**

William J. Ciskey, Sr., M.D.

placed upon his license:

(a) CONFIDENTIAL

(b) CONFIDENTIAL

(c) CONFIDENTIAL

- (d) Applicant agrees his practice of medicine is limited to performing services within the scope of his employment at The Medical Center in Hutchinson, Kansas and any hospital privileges incident to such employment. Applicant agrees that should he desire to change employment, Applicant must apply to the Board for prior approval of any new place and/or scope of employment.

10. This Stipulation shall be in effect for a period of at least three years effective the date a Board-authorized signature is placed on this Stipulation. Applicant may petition the Board for termination of this Stipulation after the expiration of such three-year time period.

11. Applicant's failure to comply with the provisions of this Stipulation will result in the Board taking disciplinary action in compliance with the Kansas Administrative Procedure Act. Applicant acknowledges that good and sufficient evidence submitted to the Board indicating Applicant has failed to meet the conditions of this Stipulation CONFIDENTIAL or any provision of the Healing Arts Act may serve as the basis for an alleged violation of non-compliance with this Stipulation and the initiation of disciplinary proceedings.

12. 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.

13. This Stipulation is entered into freely and voluntarily, and Applicant agrees he has read and understands this Stipulation.

14. Applicant releases the Board, its employees and agents, from all claims and demands of every kind and nature Applicant claims to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected. Applicant shall not

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**STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**

William J. Ciskey, Sr., M.D.

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 or the contents of this Stipulation.

15. Applicant understands and agrees that this document shall be deemed a public record only when fully executed by both Applicant and the Board, and shall only at such time be reportable to the National Practitioner Data Bank, Federation of State Medical Boards, and any other reporting entities requiring disclosure of this Stipulation.

16. 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 Kansas Risk Management Law, K.S.A. 65-4921 et seq., whether unknown or not covered under the conditions of this Stipulation, or past acts unknown to the Board or subsequent acts.

17. All correspondence or communication by Applicant to the Board shall be by United States mail, first class, postage prepaid, addressed to the Kansas State Board of Healing Arts, Attention: Office of the Disciplinary Counsel, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

18. Upon execution of this Stipulation by the affixing of a Board-authorized signature below, the provisions of this Stipulation shall become an Order of the Board and shall be deemed a proper and lawful Enforcement Order pursuant to K.S.A. 65-2838(b) without further order. This Stipulation shall constitute the Order of the Board when filed with the office of the Executive Director for the Board.

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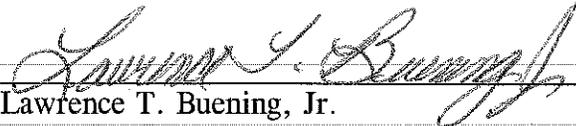
**STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**

William J. Ciskey, Sr., M.D.

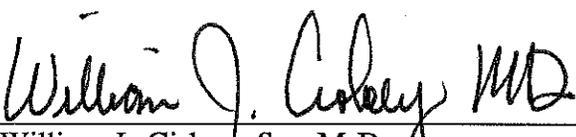
IN WITNESS WHEREOF the parties have executed this agreement on this

25<sup>th</sup> day of August, 1994.

KANSAS STATE BOARD OF HEALING ARTS

  
\_\_\_\_\_  
Lawrence T. Buening, Jr.  
Executive Director

August 25, 1994  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
William J. Ciskey, Sr., M.D.

August 20<sup>th</sup> 1994  
\_\_\_\_\_  
Date

Prepared and Approved by:

  
\_\_\_\_\_  
Gretchen E. Schmidt, No. 16250  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603-3068  
(913) 296-2075

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER  
William J. Ciskey, Sr., M.D.

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, certify that on this 25<sup>th</sup> day of August, 1994, 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:

William J. Ciskey, Sr., M.D.  
CONFIDENTIAL

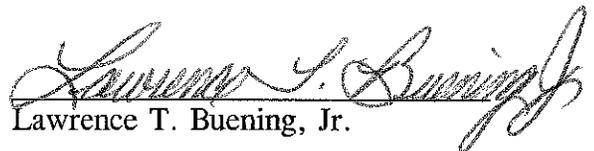
and copies were hand-delivered to:

Gretchen E. Schmidt  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603-3068

Charlene K. Abbott  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603-3068

and the original was hand-delivered to:

Office of the Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603-3068

  
Lawrence T. Buening, Jr.