

FILED

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

APR 12 1994

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
DOUGLAS W. CURRY, M.D.)
Applicant for Licensure)
_____)

Case No. 94-00111

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER

COMES NOW the Kansas State Board of Healing Arts ("Board") and Douglas W. Curry, 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 licensure by endorsement for an active permanent license to engage in the practice of medicine and surgery in the State of Kansas.

3. The Board has authority to issue a permanent license by endorsement to Applicant pursuant to K.S.A. 65-2833 and 65-2873.

4. Applicant's license to practice medicine was limited in the State of Nebraska on June 21, 1991 for alleged controlled substances prescribing violations. Applicant was restricted from prescribing controlled substances for one year, required to take additional training, and placed on probation for two years following the period of restriction. Further, Applicant's state or

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER

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federal controlled substances registration was restricted. This Nebraska Petition for Disciplinary Action on Applicant's license was subsequently set aside on June 22, 1993 due the absence of a statutory violation.

5. Based on the above information and contents of the records in this matter, there may be probable cause to believe grounds may exist for denial of licensure by the Board. Specifically, Applicant may have prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes pursuant to K.S.A. 65-2836(p). Further, Applicant may have committed an act of unprofessional conduct, pursuant to K.S.A. 65-2836(b), as defined by K.S.A. 65-2837(b)(11), 65-2837(b)(12) and 65-2837(b)(23).

6. Under the provisions of K.S.A. 65-2838(b), the Board has authority to enter into this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** ("Stipulation") in lieu of denying a license based upon the above-mentioned grounds.

7. 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. Applicant understands and agrees that by entering into this Stipulation he is voluntarily and knowingly waiving his right to a hearing, to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, to conduct such cross-examination of witnesses as may be desired, and to present any substantive and procedural motions and

defenses that could be raised if an administrative hearing were held.

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.

9. Applicant agrees that the following condition be placed upon his license to engage in the practice of medicine and surgery in the State of Kansas:

a. Applicant agrees to submit quarterly reports to the Office of the Disciplinary Counsel of the Board, detailing all controlled substances prescribed by Applicant. Such reports shall include the date, patient name, type and dosage of controlled substance prescribed. Applicant may, in the alternative, submit copies of all prescriptions he writes for controlled substances. Such reports shall be submitted by June 10, 1994, September 10, 1994, December 10, 1994 and March 10, 1995. Each report shall respectively update the three-month period prior to the date of the report.

10. Applicant may petition the Board for termination and/or modification of this Stipulation after the quarterly report is submitted to the Board on March 10, 1995.

11. Applicant's failure to comply with the provisions of this Stipulation may result in the Board taking disciplinary action in compliance with the Kansas Administrative Procedure Act. Applicant

acknowledges that a violation of the terms and conditions of this Stipulation by Applicant may constitute evidence that a violation of the Healing Arts Act has occurred for which the Board may suspend, revoke, or limit the license of Applicant, pursuant to K.S.A. 65-2836(k).

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 by the parties, and Applicant agrees he has read and understands this Stipulation.

14. Applicant agrees he shall not 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 acknowledges this document shall be deemed a public record only upon Applicant and a Board-authorized designee signing this Stipulation. Applicant further acknowledges this voluntary agreement shall not constitute a disciplinary action and shall not be reportable as such to any reporting entity.

16. 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,

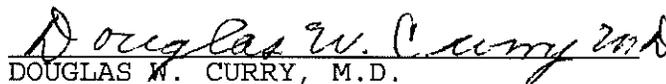
Kansas, 66603-3068.

17. 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.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR.
Executive Director

April 12, 1994
Date

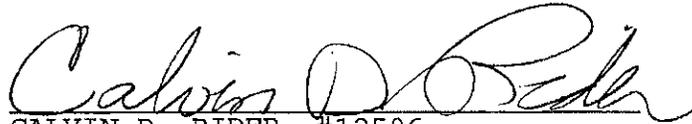

DOUGLAS W. CURRY, M.D.
Applicant for Licensure

3-29-94
Date

Prepared and Approved by:



GRETCHEN E. SCHMIDT, #16250
Staff Counsel
Kansas State Board of Healing Arts
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Topeka, Kansas 66603-3068
(913) 296-7413



CALVIN D. RIDER, #12506
Smith, Shay, Farmer & Wetta
630 Olive West Garvey Building
200 West Douglas
Wichita, Kansas 67202-3094
(316) 267-5293

CERTIFICATE OF SERVICE

I, Gretchen E. Schmidt, Associate Counsel of the Kansas State Board of Healing Arts, certify that on this 12th day of April, 1994, a true and correct copy of the above and foregoing **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** was deposited in the United States mail, first class, postage prepaid, addressed to the following:

Douglas W. Curry, M.D.
425 East 61st Street North, Suite 2
Wichita, Kansas 67219

Calvin D. Rider, Esq.
Smith, Shay, Farmer & Wetta
630 Olive West Garvey Building
200 West Douglas
Wichita, Kansas 67202-3094

and a copy was hand-delivered to:

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:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068



GRETCHEN E. SCHMIDT

b:curry.stp (ges)