

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

MAY 28 2004

KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
)
Sandra J. Edwards, M.D.,)
Application for Reinstatement of)
License No. 04-22912)
_____)

Docket No. 04-HA- 62

TEMPORARY CONSENT ORDER

COME NOW, the Kansas State Board of Healing Arts ("Board") by and through Kelli J. Benintendi, Associate Counsel ("Petitioner"), and Sandra J. Edwards, M.D. ("Applicant") appearing *pro se*, and stipulate and agree to the following:

1. The Board is the sole and exclusive administration 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.*; K.S.A. 65-2869.

2. Applicant admits that this Temporary Consent Order and the filing of such document are in accordance with applicable law and that the Board has jurisdiction to consider the Temporary Consent Order.

3. Applicant agrees that the Kansas Healing Arts Act is constitutional on its face and as applied in this case.

4. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

5. Applicant's last known mailing address as provided to the Board is (confidential)
Lane, Leawood, Kansas 66209.

6. Applicant previously held a license to practice Medicine and Surgery in the State of Kansas, having been issued license number 4-22912 on December 8, 1989.

7. On or about July 25, 2002, Applicant's license expired for failure to renew, and was subsequently canceled on or about August 1, 2002.

8. On or about March 10, 2004, Applicant submitted to the Board an Application for Reinstatement of her license to practice Medicine and Surgery in the State of Kansas.

9. The Board has received information, has investigated such information, and has reasonable cause to believe that there may be grounds (confidential) to deny reinstatement, limit or otherwise take action under the healing arts act, K.S.A. 65-2801, *et seq.*

7. According to K.S.A. 65-2838(b), the Board has authority to enter into this Temporary Consent Order without the necessity of proceeding to a formal hearing.

8. Applicant voluntarily and knowingly waives her right to a hearing. Applicant 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. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

9. 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. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

10. In consideration of the conditions, terms, covenants, and promises contained herein, the parties agree as follows:

(a) Upon Applicant's execution of this Temporary Consent Order, Applicant's license will be temporarily reinstated and remain in effect through June 22, 2004.

(b) Upon reinstatement, Applicant voluntarily agrees to the following conditions placed on her license to engage in the practice of medicine and surgery in the State of Kansas.

i.

ii.

(confidential)

iii.

iv.

(confidential)

v.

(c) This Temporary Consent Order places conditions on Applicant's license to practice medicine and surgery in the State of Kansas. These conditions shall remain in effect until Applicant's Application for Reinstatement is acted upon by the Board at a regularly scheduled Board meeting, presently set for June 19, 2004.

(d) Applicant's failure to comply with the provisions of the Temporary Consent Order will result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas administrative procedure act.

(e) It is the intent and purpose of this Temporary Consent Order to enable Applicant to be temporarily reinstated to practice Medicine and Surgery in the State of Kansas, and at the same time provide protection to the public until the full Board can consider Applicant's Application for Reinstatement. Nothing herein shall be construed to constitute a waiver by the Board of any grounds for denial or limitation of licensure pursuant to either statute or rule and regulation.

(f) By this Temporary Consent Order, Applicant waives any and all time limitations imposed by the Kansas administrative procedure act in the processing of Applicant's Application for Reinstatement, and in rendering any determination as to Applicant's qualifications for licensure,

or denial of such license. Further, Applicant agrees that the Board may take action on her Application for Reinstatement at its regularly scheduled meeting to be held June 19, 2004.

(g) Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the 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 Temporary Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the healing arts act.

(h) Applicant hereby releases the Board, its employees and agents, from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board of any and all claims or demands of every kind and nature that Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant 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 content of this Stipulation.

(i) Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record, and shall be reported to any reporting entities requiring disclosure of this Temporary Consent Order.

(j) This Temporary 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.

(k) Applicant 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 Applicant is not present. Applicant 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.

(l) Applicant, by signature to this document, waives any objection to the participation of the Board members in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

(m) Applicant acknowledges that he has read this Temporary Consent Order and fully understands the contents.

(n) Applicant acknowledges that this Temporary Consent Order has been entered into freely and voluntarily.

(o) All correspondence or communication between Applicant and the Board relating to this Temporary Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Kelli J. Benintendi, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068

(p) Applicant 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.

(q) 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 Temporary Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further order is required.

IT IS THEREFORE ORDERED that the Temporary Consent Order and agreement of the parties contained herein is adopted by the Board, and is the Order of the Board.

IT IS SO ORDERED.

IN WITNESS WHEREOF, the parties have executed this Consent Order on this 28th day of May, 2004.

KANSAS STATE BOARD OF HEALING ARTS

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

May 28, 2004.
Date

Sandra J. Edwards
Sandra J. Edwards, M.D.
Applicant

May 28, 2004
Date

Prepared By:

Kelli J. Benintendi
Kelli J. Benintendi #16032
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

CERTIFICATE OF SERVICE

I, Kelli J. Benintendi, Associate Counsel, Kansas Board of Healing Arts, hereby certify that I served a true and correct copy of the **TEMPORARY CONSENT ORDER** by hand delivery, on this 28th day of May, 2004 to the following:

Sandra J. Edwards
12000 Pawnee Lane
Leawood, Kansas 66209

and the original was hand-delivered for filing to:

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

Kelli J. Benintendi
Kelli J. Benintendi
Associate Counsel