

FEB 13 1995

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)	
)	Case No. 94-00180
GARY L. FARMER, M.D.)	
Applicant for Licensure)	
Temporary License No. 4-01610)	
_____)	

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER

COMES NOW the Kansas State Board of Healing Arts ("Board") and Gary L. Farmer, 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. On January 21, 1994, Applicant filed an application for licensure by endorsement to practice medicine and surgery in the State of Kansas. On March 4, 1994, Applicant was issued a temporary permit by the Board to practice medicine and surgery in the State of Kansas. Said temporary permit expired August 15, 1994.

3. On April 22, 1994, the Board issued a Summary Order denying Applicant's application for permanent license upon the grounds set forth on pages 2 and 3 of the Summary Order.

4. Information provided to the Board indicates Applicant may have committed acts which, if proven to be true, would constitute violations of the Healing Arts Act, K.S.A. 65-2801 et seq., and may establish grounds for disciplinary action or denial of an application for license.

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5. Under the provisions of K.S.A. 65-2838(a), the Board has jurisdiction to impose appropriate discipline or deny an application for license if a licensee or applicant has engaged in any acts bringing the licensee or applicant within the purview of K.S.A. 65-2836. 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 Licensure by Endorsement.

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. The Board and Applicant acknowledge that if a full adjudicative hearing were held in this matter, Board counsel and Applicant's counsel would each present evidence and witnesses in a contested hearing in accordance with the Kansas Healing Arts Act, K.S.A. 65-2801 et seq. and the Kansas Administrative Procedure Act, K.S.A. 77-501 et seq. Applicant voluntarily and affirmatively waives his right to a hearing pertaining to any matter under the jurisdiction of the Board regarding his Application to engage in the practice of medicine and surgery in the State of Kansas. Applicant voluntarily and knowingly waives his right 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 waive any and all substantive procedural motions and defenses that could be raised if an administrative hearing were held.

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

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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 as applied in this case.

9. In lieu of formal proceedings and/or findings by the Board, Applicant, by signature attached to this Stipulation, agrees to the following:

(a) The Board asserts that the allegations as set forth in the Board's Amended Prehearing Questionnaire filed December 8, 1994 are true. Applicant denies the allegations contained in the Board's Amended Prehearing Questionnaire, except he admits the allegations to the following extent:

(i) Applicant admits that evidence may show he permitted disclosure of confidential information in violation of K.S.A. 65-2836(b) as defined by K.S.A. 65-2837(b)(6).

(ii) Applicant admits that evidence may show he exhibited inappropriate or unprofessional behavior in the presence of an emergency room patient and the patient's family by acting in a hostile manner in response to a dispute with the nursing staff in violation of K.S.A. 65-2836(b).

(b) Applicant agrees to withdraw his Application for Licensure by Endorsement to practice medicine and surgery in the State of Kansas. Applicant further agrees

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he shall not reapply for a medical license in the State of Kansas for three (3) years. If and when Applicant applies for a license in the State of Kansas, the Board may exercise its rights to consider any such information typically relied upon in reviewing an application for license. Said information may be reviewed and obtained by utilizing those investigative tools set forth in K.S.A. 65-2836(i) and K.S.A. 65-2839a.

(c) The parties agree the Summary Order filed April 22, 1994 was nullified by operation of law when Applicant requested a hearing on the Summary Order by letter dated May 1, 1994.

10. 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.

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

12. Applicant releases the Board and its employees 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 commence to prosecute, cause or permit to be prosecuted any action or proceeding of any description against the Board or its employees arising out of acts leading to the execution of this Stipulation or the contents of this Stipulation.

13. Applicant understands and agrees that this Stipulation shall be deemed a public record only when fully executed by both Applicant and the Board, and shall only at such time be reportable as a disciplinary action to the National Practitioner Data Bank, Federation of State

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Medical Boards, and any other reporting entities requiring disclosure of this Stipulation.

14. 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.

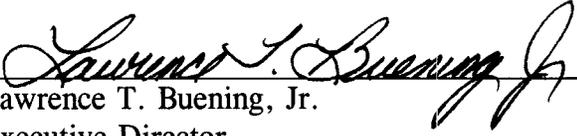
15. Upon execution of this Stipulation by the Board with a Board-authorized signature below, the provisions of this Stipulation shall become an Order of the Board and shall be deemed a proper and lawful Enforcement Order pursuant to K.S.A. 65-2838(b) without further order. This Stipulation shall constitute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

IN WITNESS WHEREOF the parties have executed this agreement on this 13th day of February, 1995

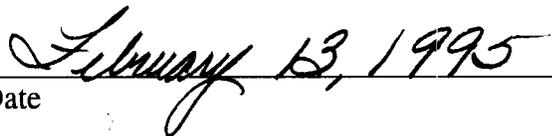
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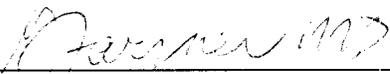
KANSAS STATE BOARD OF HEALING ARTS



Lawrence T. Buening, Jr.
Executive Director



Date



Gary L. Farmer, M.D.
Applicant

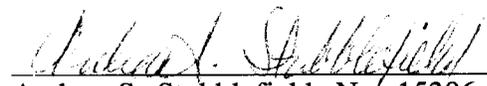


Date

Prepared and Approved by:



Gretchen E. Schmidt, No. 16250
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235 S. Topeka Blvd.
Topeka, Kansas 66603-3068
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CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, certify that on this 13th day of February, 1995, a true and correct copy of the foregoing **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** was deposited in the United States mail, first class, postage prepaid, addressed to the following:

Gary L. Farmer, M.D.
P.O. Box 633
Seymour, Missouri 65746

Andrea S. Stubblefield
Dickson & Pope, P.A.
700 Jackson
Roof Garden Suite
Topeka, Kansas 66603

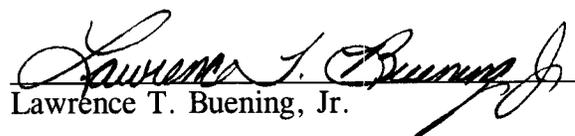
and copies were hand-delivered to:

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.

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