

BEFORE THE KANSAS STATE BOARD OF HEALING ARTS

IN THE MATTER OF)
)
ANTHONY E. FRANCIS, M.D.)
KANSAS LICENSE NO. 17828)

FILED

APR 16 1992

ORDER AMENDING STIPULATION AND MODIFYING ENFORCEMENT ORDER **KANSAS STATE BOARD OF HEALING ARTS**

NOW on this 11th day of April, 1992, this matter comes on before the Kansas State Board of Healing Arts (BOARD) for conference proceedings on the request of Anthony E. Francis, M.D. (LICENSEE) for an Amendment and Clarification of Stipulation and Order.

LICENSEE appears by his attorney Robert S. Jones, of Salina, Kansas, Steven A. Schwarm appears as Litigation Counsel for the BOARD. There are no other appearances.

After reviewing the file, hearing the statement of counsel and being otherwise duly advised in the premises, the BOARD makes the following findings of fact, conclusions of law and orders:

1. Notice of these conference proceedings was served on counsel and has been duly filed herein and is hereby approved;
2. LICENSEE is currently licensed in the State of Kansas to practice medicine and surgery and holds License No. 17828;
3. On May 8, 1989, LICENSEE and BOARD entered into a Stipulation, a copy of which is attached hereto marked "Exhibit A";
4. On May 8, 1989, the BOARD entered an Enforcement Order based upon the aforementioned Stipulation, a copy of which is attached hereto marked "Exhibit B";

5. At the time of the entry of the Stipulation and Enforcement Order LICENSEE and BOARD intended by such Stipulation and Order to limit LICENSEE's license to practice medicine and surgery only to the extent of preventing LICENSEE from engaging in giving medical/legal testimony, either inside or outside the State of Kansas and to restrict LICENSEE's right to act as a medical or legal expert in judicial or administrative proceedings of any kind except as specifically authorized by the terms of said Stipulation;

6. Nonetheless, despite the parties' intention, the original Stipulation has been interpreted by persons, firms, hospitals and/or insurance providers to limit LICENSEE's license to practice medicine and surgery to a greater degree than originally intended and the BOARD wishes to clarify the same at this time;

7. In addition, on April 13, 1991, LICENSEE sought specific authorization to provide minor emergency procedures which the BOARD approved subject only to minor emergency procedures being provided to patients within a hospital and/or minor emergency facility affiliated with a hospital, a copy of which is attached hereto marked "Exhibit C";

8. LICENSEE now requests that such specific authority provided by its order of April 13, 1991, be expanded to allow LICENSEE to provide general emergency care and treatment to patients only within a health care facility having a peer review system and the BOARD finds that its prior orders should be modified to permit LICENSEE's request;

9. That except as hereby amended and modified the terms and condition of the Stipulation and Enforcement Orders referred to heretofore shall remain in full force and effect;

IT IS THEREFORE BY THE BOARD ORDERED that paragraph 3 of the Stipulation and Order (Exhibits A and B) and paragraph 5 of the Order Amending Stipulation and Modifying Enforcement Order (Exhibit C) are hereby amended and modified as follows:

"That LICENSEE will limit his practice to that of medicine and surgery and shall not, as part of such practice give medical/legal testimony, either inside or outside of the State of Kansas and shall not appear or otherwise act as a medical or legal expert in any judicial or administrative hearing or process except as specifically authorized by paragraph 4 of the Stipulation dated May 8, 1989 (Exhibit A); and that LICENSEE is specifically authorized to provide general emergency care and treatment of patients and out-patients only at any health care facility having an internal peer review system."

IT IS FURTHER ORDERED that either party may be entitled to an administrative review of the Order if written request is received in the BOARD office within 15 days of service of this Order upon the parties.

IT IS SO ORDERED.

DATED this 16th day of April, 1992.

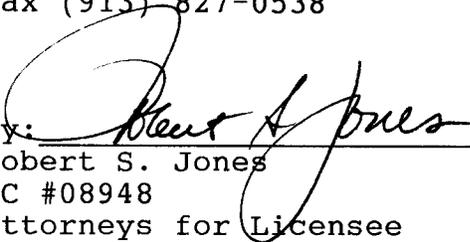
Kansas State Board of Healing Arts



President EXECUTIVE DIRECTOR.

PREPARED AND APPROVED BY:

NORTON, WASSERMAN, JONES & KELLY
215 South Santa Fe
Post Office Box 2388
Salina, Kansas 67402-2388
(913) 827-3646
Fax (913) 827-0538

By: 
Robert S. Jones
SC #08948
Attorneys for Licensee

Steve A. Schwarm
Litigation Counsel
KANSAS STATE BOARD OF HEALING ARTS
235 South Topeka Boulevard
Topeka, Kansas 66603
(913) 296-7413

By: 
Steve A. Schwarm