

FILED

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

FEB 15 1993

**KANSAS STATE BOARD OF
HEALING ARTS**

Case No. 92-00252

IN THE MATTER OF)
KAREN HAMLIN, P.A.)
Kansas Registration No. 15-00221)
_____)

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER

COMES NOW the Kansas State Board of Healing Arts (Board), and Karen Hamlin, P.A., (Registrant) and stipulate and agree as follows:

WITNESSETH:

WHEREAS, the Board is the sole and exclusive regulatory agency in the State of Kansas regarding the practice as a physician assistant; and

WHEREAS, Registrant was originally registered in the state of Kansas to engage in the health care field as a physician assistant on December 27, 1984 having been issued Registration Number 15-00221, and

WHEREAS, information was provided to the Board staff on or around July 1, 1992 which indicated that the Registrant had possibly violated the prescribing laws, specifically K.S.A. 65-2836(b) and (f) and K.A.R. 100-60-13; and

WHEREAS, such acts or conduct as set forth above would constitute grounds to remove the health care practitioner's name from the registration of physician assistants of the Kansas Board

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of Healing Arts assistants pursuant to K.S.A. 2896(b); and

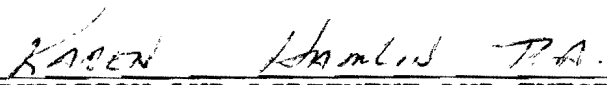
WHEREAS, in lieu of formal administrative proceedings required by K.S.A. 77-511, the parties are desirous of entering into this Stipulation.

NOW, THEREFORE, in consideration of the conditions, terms, covenants and promises contained herein, the parties agree as follows:

1. It is the intent and purpose of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** to provide for settlement of all issues without the necessity of proceeding to a formal disciplinary hearing. The terms and conditions of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** are entered into between the undersigned parties and is submitted for the purpose of allowing those terms and conditions to become an Order of the Board.

2. This **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** shall not become binding on the Board until an authorized signature is affixed on the last page of this document. Upon signature by Registrant to this document it shall be deemed a unilateral contract and agreement and shall bind Registrant to all terms and conditions set forth in the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** whether or not the Board signature is affixed to the document.

Upon signature by the Registrant, this document shall be deemed a public record. Registrant acknowledges that counsel for the Board is not authorized to bind the Board.



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3. The parties further agree as follows:
- a) The Board is the duly authorized administrative agency in the State of Kansas with appropriate statutory authority to regulate the practice of the healing arts to include the practice as a physician assistant.
 - b) Registrant admits that this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** and the filing of such document are in accordance with the requirements of law; that the Board has jurisdiction to consider the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** and is lawfully constituted to consider this matter to include consideration of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**.
 - c) Registrant further acknowledges that the Kansas Statutes and Rules and Regulations, as set forth and as recited in the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** is constitutional on its face and as applied in this case.
 - d) Registrant further acknowledges that the Board, acting in this matter, is not acting beyond the jurisdiction referred to it by any provision of law.
 - e) Registrant further acknowledges that the Board will decide the issue regarding resolution of this matter and acceptance of the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** as it relates to the Physician

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Assistant Statutes.

f) Registrant further understands and agrees that by entering into this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**, she is waiving her right to a hearing. The Registrant voluntarily and knowingly waives her rights 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 and procedural motion and defenses that could be raised if an administrative hearing would be held.

4. Registrant hereby voluntarily stipulates and agrees to the following probationary conditions, restrictions, and limitations to said permit and/or registration:

a. Confidential

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Confidential

b.

c.

d. Registrant does not admit as true the allegations set forth in the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**.

5. Nothing in the agreement shall be construed to deny the Board jurisdiction to investigate the 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. that are unknown or that are not covered under the conditions of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** or past acts which are unknown to the Board or subsequent acts.

6. This **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the



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same manner by the parties.

7. Registrant acknowledges that the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** has been entered into freely and voluntarily given.

8. Registrant hereby releases the Kansas State Board of Healing Arts, its employees and agents, from all claims to mean those damages, actions, liabilities and causes of actions, 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 Registrant has claimed to have had at the time of this release or might have had either known or unknown, suspected or unsuspected, and Registrant 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 AND AGREEMENT AND ENFORCEMENT ORDER** or the content of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**.

9. Registrant acknowledges he has read or has had read to him all of the numbered paragraphs above, 1 through 8, that Registrant fully understands the contents and has received a copy of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**.

10. Upon execution of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** by affixing of a Board authorized signature below, the provisions of this **STIPULATION AND AGREEMENT AND**

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ENFORCEMENT ORDER shall become an Order under K.S.A. 1991 Supp. 65-2838. This STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER shall constitute the Board's Order when filed with the Office of executive Director for the Board and no further Order is required.

IN WITNESS WHEREOF the parties have executed this agreement on this 13th day of February, 1992.

KANSAS STATE BOARD OF HEALING ARTS

Lawrence T. Buening
Lawrence T. Buening
Executive Director

February 15, 1993
Date

Karen Hamlin P.A.
Karen Hamlin, P.A.
Registrant

12/27/92
Date

Prepared and Approved by:

Debra L. Billingsley
Debra L. Billingsley
Disciplinary Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603
(913) 296-7413

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CERTIFICATE OF SERVICE

I, Debra L. Billingsley, Disciplinary Counsel, Kansas State Board of Healing Arts, hereby certify that I served a true and correct copy of the attached **STIPULATION AND AGREEMENT and ENFORCEMENT ORDER** by United States Mail, ~~certified~~, postage prepaid, on this 16 day of February, 1992 to the following:

Karen Hamlin, P.A.
~~Confidential~~
Wichita, Kansas 67209

Debra L. Billingsley
Debra L. Billingsley

~~Certified Number~~

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