

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

In the Matter of)
)
Ernest J. Hanson, M.D.)
Kansas License No. 04-16128)
_____)

Docket No. 06-HA 109

FILED
JUN 22 2006
KS State Board of Healing Arts

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts (“Board”) by and through Diane L. Bellquist, Associate Counsel (“Petitioner”), and Ernest J. Hanson, M.D. (“Licensee”), by and through counsel, Stephen G. Mirakian of Wyrsh, Hobbs, Mirakian, P.C., and move the Board for approval of a Consent Order affecting Licensee’s license to practice medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee’s last known address to the Board is 15438 Iron Horse Circle, Leawood, Kansas 66224.
2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the state of Kansas, having been issued License No. 04-16128 on June 13, 1975. Licensee last renewed his license on May 25, 2005.
3. The Board is the sole and exclusive administrative 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.*
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2838(b). Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board’s Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

6. Licensee agrees that, in considering this matter, the Board is not beyond its jurisdiction as provided by law.

7. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

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

9. On or about May 25, 2005, Licensee answered affirmatively to the following question on his Kansas renewal application: "In the past 18 months has any disciplinary action been initiated or taken against you by a state licensing agency or other state or government agency, or have you surrendered or consented to limitation of license to practice in any state or country?"

10. Licensee further explained his affirmative response to the above question, as follows: “In December 2004 I voluntarily retired my Missouri license as I moved my practice to Overland Park, Kansas.”

11. While Licensee’s explanation referred to in paragraph 10 was accurate, he did not disclose that he had entered into a settlement agreement with the Missouri State Board of Registration for the Healing Arts under which the retirement of his medical license in lieu of discipline was part of a comprehensive resolution of a Missouri case that was under investigation at the Missouri Board.

12. On or about May 25, 2005, Licensee answered affirmatively to the following question on his Kansas renewal application: “In the past 18 months have any hospital privileges been suspended, restricted, limited or voluntarily surrendered or has any peer review or professional association initiated or taken any action against you?”

13. Licensee further explained his affirmative response to the above question as follows: “On December 15, 2004 I voluntarily resigned all my hospital staff privileges. I could no longer continue my surgical practice due to progressive post-traumatic cervical spondylosis with mild spinal cord compression. I now restrict my practice to office spine consultation and non-surgical care.”

14. While Licensee’s explanation referred to in paragraph 13 was accurate, Licensee did not disclose that he resigned his hospital privileges at Doctors Specialty Hospital, L.L.C. after his privileges had been summarily suspended and while a matter was under peer review investigation.

15. Licensee has currently voluntarily restricted his practice to consultations due to his present health condition of post-traumatic cervical spondylosis with mild spinal cord compression.

16. Licensee does not intend to resume the practice of surgery in the future.

17. Pursuant to K.S.A. 65-2836(a), the Board has authority to revoke, suspend, censure, impose a fine or otherwise limit Licensee's license.

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

19. In lieu of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary measures placed on his license to engage in the practice of medicine and surgery:

- a. Licensee shall be **PUBLICLY CENSURED** for misrepresenting the facts and circumstances surrounding both the resignation of his hospital privileges at Doctors Specialty Hospital, L.L.C. and the retirement of his Missouri medical license in his renewal application to the Kansas Board;
- b. Licensee shall be **FINED** in the amount of one-thousand dollars (\$1,000.00). Such fine is payable to the "Kansas State Board of Healing Arts" on or before June 30, 2006;
- c. Licensee agrees to provide written notification to the Board at least sixty (60) days prior to resuming the practice of surgery.

20. This Consent Order constitutes disciplinary action.

21. Licensee's failure to comply with the provisions of the Consent Order will result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

22. 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 Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

23. Licensee 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 Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee 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.

24. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record, and shall be reported to the National Practitioner Databank, the Federation of State Medical Boards and any other reporting entities authorized to receive disclosure of this Consent Order.

25. This 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.

26. Licensee 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 Licensee is not present. Licensee 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.

27. Licensee 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.

28. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

29. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas Board of Healing Arts, Attn: Diane L. Bellquist, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

30. Licensee 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.

31. 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 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.

32. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

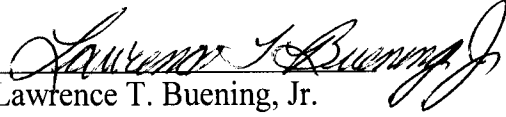
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board, and is the Order of the Board.

IT IS FUTHER ORDERED that:

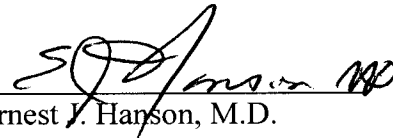
- a. Licensee is hereby **PUBLICLY CENSURED** for misrepresenting the facts and circumstances surrounding both the resignation of his hospital privileges at Doctors Specialty Hospital, L.L.C. and the retirement of his Missouri medical license in his renewal application to the Kansas Board;
- b. Licensee shall be **FINED** in the amount of one-thousand dollars (\$1,000.00). Such fine is payable to the "Kansas State Board of Healing Arts" on or before June 30, 2006;
- c. Licensee agrees to provide written notification to the Board at least sixty (60) days prior to resuming the practice of surgery.

IT IS SO ORDERED.

**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**

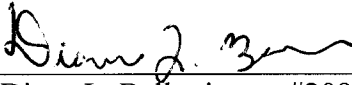

Lawrence T. Buening, Jr.
Executive Director

June 22, 2006.
Date

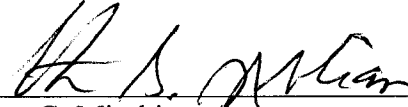

Ernest J. Hanson, M.D.
Licensee

15 June 2006
Date

PREPARED AND APPROVED BY:


Diane L. Bellquist #20969
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66614
(785) 296-7413
Attorney for Petitioner

APPROVED BY:


Stephen G. Mirakian #
Wyrsh, Hobbs & Mirakian, P.C.
1000 Walnut Street, Suite 1600
Kansas City, Missouri 64106-2140
(816) 221-0080
Attorney for Licensee

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing **CONSENT ORDER** was served this 22 day of June, 2006, by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Stephen G. Mirakian
Wyrsh, Hobbs & Mirakian, P.C.
1000 Walnut Street, Suite 1600
Kansas City, Missouri 64106-2140

and a copy was hand-delivered to:

Diane L. Bellquist
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

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

A handwritten signature in black ink, appearing to read "Lawrence T. Buening, Jr.", written over a horizontal line.