

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED CAB

MAR 02 2009

KS State Board of Healing Arts

In the Matter of)
)
STEPHEN HOCH, P.A.)
Kansas License No. 15-00197)
_____)

Docket No. 09-HA00053

**JOURNAL ENTRY OF SATISFACTION
OF REQUIREMENTS OF CONSENT ORDER**

NOW on this 2nd day of February, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas Board of Healing Arts ("Board"), concerning Licensee's satisfaction of requirements contained in the Consent Order Licensee entered into with the Board which was filed on October 14, 2008. Wherefore, the Board finds as follows:

1. On or about October 14, 2008, Licensee entered into a Consent Order with the Board. The Consent Order contained a provision for Licensee to complete a continuing education course for boundary violations that was approved by the Board.
2. On February 17, 2009, Licensee provided documentation of completion of the Board approved continuing education course.
3. Licensee has satisfied the continuing education requirement of the Consent Order and has no further obligation for compliance.

IT IS THEREFORE ORDERED that Licensee is hereby discharged from the continuing education requirement of the Consent Order filed on October 14, 2008.

IT IS SO ORDERED.

KANSAS BOARD OF HEALING ARTS



John (Jack) Confer
Executive Director

1 3 2 0 9

Date

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing **Journal Entry of Satisfaction** was served on the 3rd day of February, 2009 by United States mail, first-class postage pre-paid and addressed to:

Stephen E. Hoch, P.A.
PO Box 334
Independence, KS 67301

and a copy was hand-delivered to:

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

Stacy R. Bond
Associate Litigation Attorney
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was hand-delivered for filing with the office of the Executive Director:

Jack Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603



Cathy Brown
Executive Assistant

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

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KS State Board of Healing Arts

In the Matter of)
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Stephen Hoch, P.A.)
Kansas License No. 15-00197)

Docket No. 09-HA- 00053

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Dan Riley, Associate Counsel ("Petitioner"), and Stephen E. Hoch, P.A. ("Licensee"), and move the Board for approval of a Consent Order affecting Licensee's license to practice as physician assistant in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is: 2916 CR 3400, Independence, KS 67301.
2. Licensee is or has been entitled to engage in practice as a physician assistant in the State of Kansas, having been issued Licensee No. 15-00197 on approximately January 23, 1984. Licensee's license is active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, and specifically practice as a physician assistant pursuant to K.S.A.65-28a01 et seq.
4. All pending investigative materials regarding the Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. The Disciplinary Panel authorized and directed Board counsel to seek settlement of this matter within the provisions contained in this Consent Order.

5. 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. 77-601 and 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Kansas Physician Assistant Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting 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. At all relevant times hereto, Licensee has held a license authorizing the active practice as in Kansas as a physician assistant.

10. Confidential

Confidential

11. Licensee was given the opportunity to either resign his position, or be terminated from employment. On November 22, 2005, Licensee resigned his position.

12. Pursuant to K.S.A. 65-28a05(f), the Board has authority to revoke, suspend, censure, impose a fine or otherwise limit Licensee's license due to the violation of a lawful order or rule and regulation of the Board. The facts as alleged indicate that Licensee has committed acts of unprofessional or dishonorable conduct, defined by K.A.R. 100-28a-8(t) as "any act of sexual abuse, misconduct, or exploitation related to the licensee's professional practice".

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

14. In lieu of conducting a formal proceeding, and/or the making of findings by the Board, Licensee by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to practice as a physician assistant in Kansas:

- a. Licensee is **PUBLICLY CENSURED** for violating the Physician Assistant Licensure Act
- b. Licensee shall attend and successfully complete a continuing education course for boundary violations at his own expense. The

course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by December 31, 2008.

- c. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format. These hours shall be in addition to those hours required for renewal of licensure.

22. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate in accordance with the Kansas Administrative Procedure Act.

23. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Physician Assistant Licensure 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 Physician Assistant Licensure Act.

24. 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 Consent Order or the content of this Consent Order.

25. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.

26. 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.

27. 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.

28. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

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

30. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

31. Licensee shall obey all federal, state and local laws and rules governing practice as a physician assistant 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. Any such violation will be deemed a violation of this Order and may be subject to further disciplinary action by the Board.

32. 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.

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

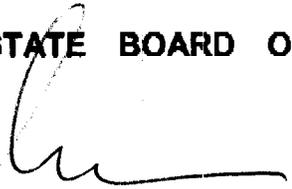
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board, and is the Order of the Board.

IT IS FURTHER ORDERED that in lieu of concluding the presently pending formal proceedings, Licensee by his signature affixed to this Consent Order, voluntarily agrees to the following provisions related to his license to practice as a physician's assistant in Kansas:

- a. Licensee is **PUBLICLY CENSURED** for violating the Physician Assistant Licensure Act.
- b. Licensee shall attend and successful complete a continuing education course for boundary violations at his own expense. The course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by December 31, 2008.
- c. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format. These hours shall be in addition to those hours required for renewal of licensure.

IT IS SO ORDERED.

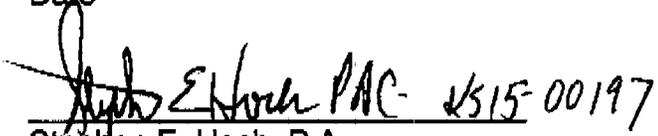
**KANSAS STATE BOARD OF HEALING
ARTS:**



John (Jack) Confer
Acting Executive Director

10-13-08

Date



Stephen E. Hoch, P.A.
Licensee

9-23-2008

Date

PREPARED AND APPROVED BY:



Dan Riley
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
(785)296-3268 Phone
(785) 368-7103 Fax

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 14th day of ~~September~~ October 2008, to the following:

Stephen E. Hoch, P.A.
Licensee
2916 CR 3400
Independence, KS 67301

And the original was hand-filed with:

Jack Confer
Acting Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And a copy was hand-delivered to:

Dan Riley
Associate Counsel
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Compliance Coordinator
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Cathy A. Brown