

AUG 18 2011

KS State Board of Healing Arts

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

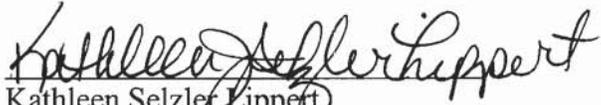
In the Matter of )  
Jack Q. Jaeger, M.D. )  
 )  
Kansas License No. 04-28323 )  
\_\_\_\_\_ )

**KSBHA Docket No. 12-HA00014**

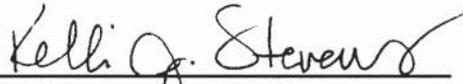
**JOURNAL ENTRY RATIFYING CONSENT ORDER**

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“Board”) by K.S.A. 65-2801 *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Consent Order filed on July 25, 2011, in the above-captioned matter is hereby **ACCEPTED** and **RATIFIED**. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 18<sup>th</sup> DAY OF Aug, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

  
Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts

Prepared and Approved by:

  
Kelli J. Stevens, #16032  
General Counsel  
Kansas State Board of Healing Arts

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 18<sup>th</sup> day of August, 2011, a true and correct copy of the above and foregoing **JOURNAL ENTRY RATIFYING CONSENT ORDER** was deposited in the United States Mail, first-class postage prepaid and addressed to:

Jack Q. Jaeger, M.D.  
confidential  
Garden City, Kansas 67846

Carol Ruth Bonebrake  
Holbrook & Osborn, P.A.  
107 SW 6<sup>th</sup> Street, Suite 210  
Topeka, Kansas 66603

And a copy was hand delivered to:

Stacy R. Bond, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level- Suite A  
Topeka, Kansas 66612

Melissa Massey, Compliance Coordinator  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level- Suite A  
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level- Suite A  
Topeka, Kansas 66612

And the original was filed with the office of:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson Street, Lower Level- Suite A  
Topeka, Kansas 66612

  
Cathy Brown  
Executive Assistant

FILED

CAB

JUL 25 2011

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

KS State Board of Healing Arts

In the Matter of	)	
	)	Docket No. 12-HA 00014
Jack Q. Jaeger, M.D.	)	
Kansas License No. 04-28323	)	

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**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, (“Board”), by and through Stacy R. Bond, Associate Litigation Counsel (“Petitioner”), and Jack Q. Jaeger, M.D. (“Applicant/Licensee”), by and through his counsel, Carol R. Bonebrake, and move the Board for approval of a Consent Order affecting Applicant/Licensee’s license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

1. Applicant/Licensee’s last known mailing address to the Board is: confidential  
St., Garden City, Kansas 67846.
2. Applicant/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. 04-28323 on approximately August 14, 1999. Applicant/Licensee’s license was cancelled for failure to renew on June 30, 2007.
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.* and K.S.A. 65-2869.
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

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Consent Order  
Jack Q. Jaeger, M.D.

provided by K.S.A. 77-505 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.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Applicant/Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Applicant/Licensee voluntarily and knowingly waives his right to a hearing. Applicant/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. Applicant/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.
7. The terms and conditions of the Consent Order are entered into between the undersigned parties, 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. Applicant/Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
8. On or about April 25, 2005, Applicant/Licensee entered into a Consent Order with the Board in docket no. 05-HA00064. confidential

confidential

9. In April 2007, Applicant/Licensee resigned from medicine and surgery and allowed his license to lapse.

confidential

confidential

10. Applicant/Licensee has not engaged in the practice of the healing arts or been engaged in a formal educational program since he resigned from medicine and surgery and allowed his license to lapse in 2007.

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14. At the request of Disciplinary Panel (“DP”) #24, Applicant/Licensee voluntarily submitted to an evaluation at the Center for Personalized Education for Physicians (“CPEP”). Applicant/Licensee submitted to the evaluation on September 9 -10, 2010 and October 14, 2010.

15.

confidential

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17. Applicant/Licensee acknowledges that if formal hearing proceedings were conducted and Applicant/Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Applicant/Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Applicant/Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board

18. A protective order is hereby entered to protect all confidential information under  
confidential and K.S.A. 65-4925.

19. confidential

20. Applicant/Licensee violated K.S.A. 65-2836(k), in that Licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board, to-wit: Consent Order entered into on April 25, 2005, in KSBHA docket no. 05-HA00064.

21. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Applicant/Licensee's license and pursuant to K.S.A. 65-2863a, the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.

22. Pursuant to K.S.A.65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

23. All pending investigation materials in KSBHA Investigative Case Number 11-00588 and 10-00472 regarding Applicant/Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 24 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

24. Applicant/Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Applicant/Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited

to suspension or revocation of Applicant/Licensee's license to practice medicine and surgery in the State of Kansas. Applicant/Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Applicant/Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Applicant/Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

25. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas 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 Kansas Healing Arts Act.
26. Applicant/Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every

kind and nature that Applicant/Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant/Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

27. Applicant/Licensee further understands and agrees that upon signature by Applicant/Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.
28. 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.
29. Applicant/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 Applicant/Licensee is not present. Applicant/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.
30. Applicant/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.

31. Applicant/Licensee acknowledges that he has read this Consent Order and fully understands the contents.
32. Applicant/Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
33. All correspondence or communication between Applicant/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, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.
34. Applicant/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.
35. 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 Final Order when filed with the office of the Executive Director for the Board and no further Order is required.
36. This Consent Order constitutes disciplinary action.
37. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant/Licensee.

38. Applicant/Licensee understands that a Temporary License shall be issued based upon Applicant/Licensee's signing this Consent Order, paying the temporary license fee, and abiding by the terms of this Consent Order. Applicant/Licensee further understands that the Temporary License is only effective until a conference hearing is held by the Board on ratification of this Consent Order and that if the Board fails to ratify this Consent Order, the Temporary License shall immediately expire at the conclusion such hearing. If the Board ratifies this Consent Order, Applicant/Licensee shall be issued permanent licensure under the terms of this Consent Order.
39. In lieu of conducting a formal proceeding, Applicant/Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action, restrictions, and/or limitations as a condition to being granted licensure to engage in the practice of medicine and surgery:

#### **EDUCATION**

40. Applicant/Licensee shall attend and successfully complete a continuing education course for patient communication, by November 1, 2011, at his own expense. The course must be pre-approved by the Board or its designee. Applicant/Licensee shall provide proof of successful completion by December 1, 2011.
41. Applicant/Licensee shall attend and successfully complete an internal medicine review course, by December 31, 2011, at his own expense. The course must be pre-approved by the Board or its designee. Applicant/Licensee shall provide proof of successful completion by January 31, 2012.

42. Unless otherwise approved by the Board, said continuing education and review course shall consist of a formal live lecture format.
43. These hours shall be in addition to those hours required for renewal of licensure.
44. The Board designates Kim Templeton, M.D., to review and approve/disapprove the patient communication course and the internal medicine review course proposed by Applicant/Licensee.

**MONITORING**

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- 46.
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53. Applicant/Licensee shall immediately notify the Board or its designee of any citation, arrest, or charge filed against him or of any conviction for any criminal or traffic misdemeanor or felony offenses.
54. Applicant/Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Applicant/Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

**LIMITATIONS: PRACTICE MONITOR**

55. Applicant/Licensee shall not practice internal medicine unless he complies with each of the following:
- a. Applicant/Licensee agrees to have a Board-approved practice monitor, who is another Kansas-licensed physician, to review the practices and procedures of Applicant/Licensee's practice to ensure compliance with community and ethical standards. Applicant/Licensee shall bear all expenses associated with the practice monitor.
  - b. Applicant/Licensee shall submit the curriculum vitae of a proposed practice supervisor and a plan of supervised practice for approval to the Board or its designee.
  - c. The practice supervisor shall submit monthly reports (due by the 15<sup>th</sup> of each month) to the Board on a form provided by Board staff. Such reports shall include a summary of whether Applicant/Licensee is seeing patients, documenting in the medical record, and prescribing medications in an appropriate and timely manner. Applicant/Licensee is responsible for

ensuring that the practice supervisor's reports are submitted by the monthly deadlines.

- d. Applicant/Licensee is prohibited from ordering, prescribing, dispensing, or administering medications to any employee, family member, significant other, or any person with whom Applicant/Licensee has a personal relationship.
- e. Applicant/Licensee shall only prescribe, order, dispense, or administer prescriptions for person with whom he has a physician-patient relationship and for whom he maintains a medical record.
- f. Applicant/Licensee is prohibited from prescribing, ordering, dispensing, or administering medications to himself, including sample medications.
- g. The Board designates Kim Templeton, M.D., to review and approve/disapprove of the proposed practice supervisor and plan of supervised practice.
- h. All reports required pursuant to this Consent Order shall be submitted by certified mail to the Kansas State Board of Healing Arts, Attention: Compliance Coordinator, 800 SW Jackson, Lower Level-Suite A., Topeka, Kansas 66612.

**RESTRICTION: NEPHROLOGY**

56. Applicant/Licensee is hereby restricted from practicing nephrology until such time as:

- i. Applicant/Licensee has participated in a “point of care” clinical experience to allow for graduated levels of independence through periods of observation and supervision.
- j. Applicant/Licensee shall attend and successfully complete a comprehensive board review course in nephrology, at his own expense.
- k. Applicant/Licensee after having successfully completed a point of care experience and successfully completed a board review course in nephrology, shall identify a proposed Board-approved practice monitor, who is another Kansas-licensed physician, to review the practices and procedures of Licensee’s practice to ensure compliance with community and ethical standards. Licensee shall bear all expenses associated with the practice monitor.
- l. Applicant/Licensee shall submit the curriculum vitae of a proposed practice supervisor and a plan of supervised practice for approval to the Board or its designee.
- m. The practice supervisor shall submit monthly reports (due by the 15<sup>th</sup> of each month) to the Board on a form provided by Board staff. Such reports shall include a summary of whether Applicant/Licensee is seeing patients, documenting in the medical record, and prescribing medications in an appropriate and timely manner. Applicant/Licensee is responsible for ensuring that the practice supervisor’s reports are submitted by the monthly deadlines.

- n. The Board designates Kim Templeton, M.D., to review and approve/disapprove of the proposed practice supervisor and plan of supervised practice.

**TIMEFRAME**

57. The above confidential practice restrictions, and/or limitations are not self-terminating. After a period of one (1) year from the date of this order, Applicant/Licensee may request modification or termination of the practice restrictions and/or limitations. After a period of five (5) years from the date of this order, Applicant/Licensee may request modification or termination of the confidential For any period of time that Applicant/Licensee is not actively practicing medicine and surgery in Kansas, the confidential confidential and the practice restrictions and/or limitations will remain in effect but will be tolled and not counted towards reducing the above mentioned timeframes.

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law and as a Final Order of the Board.

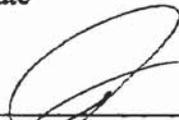
**IT IS FURTHER ORDERED** that upon meeting all technical requirements for licensure, Applicant shall be granted a license, pursuant to the conditions above.

**IT IS SO ORDERED** on this 25 day of July, 2011.

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

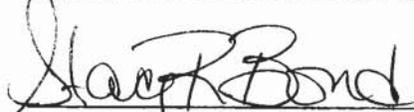
  
Kathleen Setzler Lippert  
Executive Director

7/20/11  
Date

  
\_\_\_\_\_  
Jack Q. Jaeger, M.D.  
Applicant/Licensee

7/20/11  
Date

**PREPARED AND APPROVED BY:**

  
\_\_\_\_\_  
Stacy R. Bond #17673  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612  
785-296-3268

**AGREED TO BY:**

  
\_\_\_\_\_  
Carol R. Bonebrake # 12672  
Attorney for Licensee  
Holbrook & Osborn, P.A.  
107 SW 6th Street, Suite 210  
Topeka, KS 66603

**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 25<sup>th</sup> day of July, 2011, to the following:

\_\_\_\_\_  
Consent Order  
Jack Q. Jaeger, M.D.

Jack Q. Jaeger, M.D.  
Applicant/Licensee  
confidential

Garden City, Kansas 67846

Carol R. Bonebrake  
Attorney for Licensee  
Holbrook & Osborn, P.A.  
107 SW 6th Street, Suite 210  
Topeka, KS 66603

And the original was hand-filed with:

Kathleen Selzler Lippert  
Executive Director  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And a copy was hand-delivered to:

Stacy R. Bond  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Melissa Massey  
Compliance Coordinator  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Katy Lenahan  
Licensing Administrator  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

A handwritten signature in cursive script that reads "Cathy A. Brown". The signature is written in black ink and is positioned above a horizontal line.