

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
)
JERALD R. JONES, Jr., P.A.)
Kansas License No. 15-00303)
_____)

Docket No. 06-HA-0083

CONSENT ORDER

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through Diane L. Bellquist, Associate Counsel ("Petitioner"), and Jerald R. Jones, P.A. ("Licensee"), by and through his counsel, Randall Forbes and B. Lane Hemsley of Frieden and Forbes, and move the Board for approval of a Consent Order affecting Licensee's license to practice as a Physician Assistant in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known address to the Board is **Confidential** Wichita, Kansas 67207.

2. Licensee was originally granted License No. 15-00303 on February 3, 1990, to practice as a Physician Assistant in the State of Kansas. On January 31, 2006, Licensee's license was cancelled for failure to timely renew. On February 17, 2006, Licensee's license was reinstated to inactive status.

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 the practice of physician's assistants K.S.A. 65-28a01.

4. The 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. 77-505. 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 Physician Assistant Licensure Act is constitutional on its face and as applied in this case.

6. 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. Petitioner has alleged that Licensee practiced as a physician assistant without reasonable skill and safety to patients

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which could affect his ability to safely practice in violation of K.S.A. 65-28a05(b). The specific allegations are set forth in the Petition filed April 6, 2006.

Further inquiry and investigation since the filing of the Petition has concluded in the following stipulations of the parties:

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14. On December 15, 2005, Licensee was removed from the professional staff at the hospital where he worked Confidential

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15. On January 31, 2006, Licensee's license to practice as a physician assistant was cancelled for failure to timely renew, and on February 15, 2006, Licensee submitted an application for reinstatement of such license.

16. Licensee admits that in his February 15, 2006 reinstatement application, he denied Confidential which could affect his ability to safely practice. If this matter were tried at a hearing, Licensee would present evidence that at the time he applied for reinstatement, Confidential

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17. Confidential

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18. Licensee does not admit to any wrong-doing or liability. However, Licensee waives his right to dispute or otherwise contest the allegations contained in the Petition in this matter or any future proceeding before this Board.

19. In lieu of the conclusion of formal proceedings, Licensee, by signature affixed to the Consent Order, hereby voluntarily agrees to the following disciplinary action with respect to his license to practice as a physician assistant:

- a. Licensee's license to practice as a physician assistant is hereby **LIMITED** to inactive status until otherwise approved by the Board;
- b. If Licensee petitions the Board to change his license status to active status, the Board may impose additional limitations and monitoring requirements as conditions to granting Licensee a status change to active status.
- c. In considering a petition by Licensee to change the status of his license to active status, the Board may evaluate the
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20. 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 according to the Kansas Administrative Procedure Act.

21. 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. 64-4921 *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 violation of the Healing Arts Act.

22. Licensee hereby releases the Board, its individual members (in their official 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 Act for Judicial Review and Civil Enforcement of Agency Actions, 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 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 Releasees.

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

24. 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.

25. 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.

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

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

28. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

29. 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: Complaint Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

30. Licensee shall obey all federal, state and local laws and rules governing physician's assistants 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 as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that:

- a. Licensee's license to practice as a physician assistant is hereby **LIMITED** to inactive status until otherwise approved by the Board;
- b. If Licensee petitions the Board to change his license status to active status, the Board may impose additional limitations and monitoring requirements as conditions to granting Licensee a status change to active status.
- c. In considering a petition by Licensee to change the status of his license to active status, the Board may evaluate the

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IT IS SO ORDERED on this 12th day of February, 2007.

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


Lawrence T. Buening, Jr.
Executive Director

AGREED TO BY:

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~~Jerald R. Jones, Jr., P.A.
Licensee~~

12-6-2006
Date

PREPARED AND APPROVED BY:

Diane L. Bellquist

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APPROVED BY:

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Frieden, Haynes & Forbes
555 South Kansas Ave., Suite 303
P.O. Box 639
Topeka, Kansas 66601-0639

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the **CONSENT ORDER** by United States mail, first class postage pre-paid, on this 12 day of February, 2007, to the following:

Jerald R. Jones, Jr., P.A.
413 South Oak Park Avenue
Oak Park, Illinois 60302

Randall J. Forbes
Frieden & Forbes
555 S. Kansas Ave., Suite 303
Topeka, Kansas 66601-0639

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

and a copy was hand-delivered to:

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

