

Administrative Procedure Act, specifically K.S.A. 1993 Supp. 77-529.

5. The Board is the sole and exclusive administrative agency in the State of Kansas statutorily authorized to regulate the practice of physicians' assistants pursuant to K.S.A. 65-2896 et seq.

6. It is the intent and purpose of this **STIPULATION AND AGREEMENT AND FINAL ORDER ("STIPULATION")** to provide for the settlement of all issues in lieu of proceeding with a conference hearing on Applicant's Petition for Reconsideration. By executing this **STIPULATION**, the parties waive all procedural and due process requirements afforded by the Kansas Administrative Procedure Act, K.S.A. 1993 Supp. 77-501 et seq.

7. Applicant agrees this **STIPULATION** and its filing are in accordance with the requirements of law, that the Board has jurisdiction to consider this **STIPULATION** and that the Board, sitting in its quasi-judicial capacity, is lawfully constituted to consider this matter.

8. Applicant agrees that the following conditions shall be placed upon his registration to practice as a registered physician's assistant in the State of Kansas:

- a. Applicant agrees to remit an administrative penalty in the amount of \$1,000.00 to the Board within 30 days of the date this **STIPULATION** is filed in the Board office. Such stipulated penalty is deemed appropriate in response to Applicant's continued practice as a physician's assistant after his registration had lapsed. Applicant agrees to remit such penalty in lieu of the Board's denial of his Application for Reinstatement as a physician's assistant.

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- b. Applicant agrees to remit an administrative penalty in the amount of \$650.00 to the Board within 30 days of the date this **STIPULATION** is filed in the Board office. In response to Applicant's request for retroactive reinstatement of his registration, such stipulated penalty reflects a \$50.00 penalty for each month Applicant practiced as a physician's assistant without being registered by the Board.
- c. Applicant agrees to practice as a registered physician's assistant in a community service setting approved by the Board or the Board's authorized designee for a total of 160 hours. Such 160 hours of community service shall be completed within 365 days after Applicant obtains a responsible physician and the Board or the Board's authorized designee approves the protocol established between said responsible physician and Applicant in compliance with the provisions of the Physicians' Assistants Act, K.S.A. 65-2896 et seq., and applicable Kansas administrative regulations.

9. Applicant's registration as a physician's assistant shall be retroactively reinstated to February 15, 1993, and shall not be deemed to have lapsed on December 31, 1992.

10. Applicant's failure to comply with the provisions of this **STIPULATION** shall result in the Board taking disciplinary action as the Board deems appropriate in compliance with the Kansas Administrative Procedure Act.

11. This **STIPULATION** constitutes the entire agreement between the parties and may

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only be modified by a subsequent document executed in the same manner by the parties. Any matter not raised by the parties and the issues raised by Applicant in his Petition for Reconsideration are considered moot and will not be further addressed.

12. This **STIPULATION** is entered into freely and voluntarily, and the parties agree they have read and understand this **STIPULATION**.

13. The parties agree they shall not commence to prosecute, cause or permit to be prosecuted any action or proceeding of any description arising out of acts leading to the execution of this **STIPULATION** or its contents. This release shall discharge the parties of any claims they may have had at the time of this release or might have had, either known or unknown.

14. Applicant understands and agrees this document shall be deemed a public record only upon Applicant and a Board-authorized designee signing this **STIPULATION**.

15. All correspondence or communication by Applicant to the Board shall be by certified mail addressed to the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

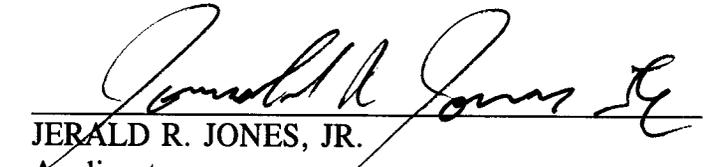
16. This **STIPULATION** shall constitute the Board's Final Order when filed in the office of the Executive Director for the Board and no further Order shall be required.

IN WITNESS WHEREOF the parties have executed this agreement on this 16th day of April, 1994.

KANSAS STATE BOARD OF HEALING ARTS

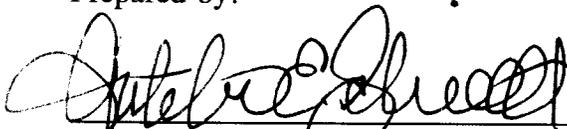

LAWRENCE T. BUENING, JR.
Executive Director

April 16, 1994
Date


JERALD R. JONES, JR.
Applicant

4-16-94
Date

Prepared by:


GRETCHEN E. SCHMIDT, No. 16250
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068
(913) 296-7413

Approved by:


STEVE A. SCHWARM, No. 13232
Goodell, Stratton, Edmonds & Palmer
515 S. Kansas Avenue
Topeka, Kansas 66603
(913) 233-0593
Attorneys for Applicant

STIPULATION AND AGREEMENT AND FINAL ORDER
Jerald R. Jones, Jr., P.A.

CERTIFICATE OF SERVICE

I, Gretchen E. Schmidt, Associate Counsel, Kansas State Board of Healing Arts, certify that on this 16th day of April, 1994, a true and correct copy of the above **STIPULATION AND AGREEMENT AND FINAL ORDER** was hand-delivered to the following:

Jerald R. Jones, Jr.
1315 S. Linden
Wichita, Kansas 67207

Steve A. Schwarm
Goodell, Stratton, Edmonds & Palmer
515 S. Kansas Avenue
Topeka, Kansas 66603

and the original was hand-delivered to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068


GRETCHEN E. SCHMIDT