

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

IN THE MATTER OF)
RONALD L. LACEY, M.D.)
Licensure)
_____)

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER

COMES NOW, the Kansas State Board of Healing Arts (Board), and Ronald L. Lacey, M.D., (Applicant) and stipulate and agree as follows:

WITNESSETH

WHEREAS, the Board is the sole and exclusive regulatory agency in the State of Kansas regarding the practice of the healing arts, specifically medicine and surgery; and

WHEREAS, Applicant has a temporary permit in the State of Kansas to engage in the Psychiatric Residency Training Program at the University of Kansas-Wichita having been issued a Temporary Certificate No. 3461;

WHEREAS, disciplinary actions have been taken by the licensing

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authorities of the states of Iowa, Hawaii and Colorado against the Applicant's license held in those states to practice medicine and surgery.

WHEREAS, Applicant has applied for a permanent license to practice medicine and surgery in the State of Kansas and in conjunction with said application has applied for a temporary permit until the February 1993 meeting of the Board.

WHEREAS, the Board has jurisdiction pursuant to K.S.A. 1991 Supp. 65-2836 to deny permanent license if Applicant has committed an act in violation of the Healing Arts Act, specifically K.S.A. 65-2836(s) and (u) and for the jurisdictional reasons set forth above.

WHEREAS, under the provisions of K.S.A. 1991 Supp. 65-2838(b), the Board has the authority to enter into this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**.

WHEREAS, in lieu of formal administrative proceedings required by K.S.A. 77-511, the parties are desirous of entering into this Stipulation.

NOW, THEREFORE, in consideration of the conditions, terms covenants and promises contained herein, the parties agree as follows:

1. Upon execution of this Agreement by Applicant and submission to the Board of a completed Application for Endorsement, Applicant will be granted a temporary permit under K.S.A. 1991 Supp. 65-2811(a)(1) and will be granted a permanent license at the

next subsequent regular meeting of the Board.

2. It is the intent and purpose of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** to provide for settlement of all issues without the necessity of proceeding to a formal disciplinary hearing. The terms and conditions of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** are entered into between the undersigned parties and is submitted for the purpose of allowing these terms and conditions to become an Order of the Board.

3. This **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** shall not become binding on the Board until an authorized signature is affixed on the last page of this document. Upon signature by Applicant to this document it shall be deemed a unilateral contract and agreement and shall bind Applicant to all terms and conditions set forth in the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** whether or not the Board signature is affixed to the document. Upon signature by the Applicant, this document shall be deemed a public record. Applicant acknowledges that neither Executive Director nor Counsel for the Board is authorized to bind the Board.

4. The parties further agree as follows:

a) The Board is the duly authorized administrative agency in the State of Kansas with appropriate statutory authority to regulate the practice of the healing arts to include the practice of medicine and surgery in the State of Kansas.

b) Applicant admits that this **STIPULATION AND AGREEMENT**

AND ENFORCEMENT ORDER and the filing of such document are in accordance with the requirements of law; that the Board has jurisdiction to consider the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** and is lawfully constituted to consider this matter to include consideration of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**.

c) Applicant further acknowledges that the Kansas Healing Arts Act as set forth in the statute and is recited in the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** is constitutional on its face and as applied in this case.

d) Applicant further acknowledges that the Board, acting in this matter, is not acting beyond the jurisdiction referred to it by any provision of law.

e) Applicant further acknowledges that the Board will decide the issue regarding resolution of this matter and acceptance of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** as it relates to the Kansas Healing Arts Act.

f) Applicant further understands and agrees that by entering into this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**, he is waiving his right to a hearing. The Applicant voluntarily and knowingly waives his rights to present a defense by oral testimony and documentary

evidence, to submit rebuttal evidence, to conduct such cross-examination of witnesses as may be desired and to waive any and all substantive and procedural motions and defenses that could be raised if an administrative hearing would be held.

5. Applicant, Ronald L. Lacey, hereby agrees to the following probationary conditions, restrictions, and limitations to said license:

a. (Confidential)

(Confidential)

b)

c) (Confidential)

d) Applicant shall make a personal appearance before the Board upon completion of his residency, at which time the Board will consider modifications to the restrictions on his license.

6. Nothing in the agreement shall be construed to deny the Board jurisdiction to investigate the alleged violations of the Healing Arts Act or to investigate complaints received under the Kansas Risk Management Law, K.S.A. 65-4821 et. seq. that are unknown or that are not covered under the conditions of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** or past acts which are unknown to the Board or subsequent acts.

7. This **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** 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.

8. Applicant acknowledges that the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** has been entered into freely and voluntarily given.

9. Applicant hereby releases the Kansas State Board of Healing Arts, its employees and agents, from all claims to mean those damages, actions, liabilities and causes of actions, both administrative and civil. This release shall forever discharge the Board of any and all claims or demands of every kind and nature that Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant 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 AND AGREEMENT AND ENFORCEMENT ORDER** or the content of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**.

10. Applicant acknowledges he has read or has had read to him all of the numbered paragraphs above, 1 through 9, that Applicant fully understands the contents and has received a copy of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**.

11. Upon execution of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** by the affixing of a Board authorized signature below, the provisions of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** shall become an Order under K.S.A. 1991 Supp. 65-2838. This **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** shall

constitute the Board's Order when filed with the Office of Executive Director for the Board and no further Order is required.

IN WITNESS WHEREOF the parties have executed this agreement on this 6th day of January, 1993.

KANSAS STATE BOARD OF HEALING ARTS

Lawrence T. Buening, Jr.
Lawrence T. Buening, Jr..
Executive Director

January 6, 1993
Date

Ronald L. Lacey, M.D.
Ronald L. Lacey, M.D..
Applicant

1-4-93
Date

Prepared and Approved by:

Debra L. Billingsley
Disciplinary Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603
(913) 296-7413

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CERTIFICATE OF SERVICE

I, Debra L. Billingsley, Disciplinary Counsel, Kansas State Board of Healing Arts, hereby certify that I served a true and correct copy of the attached **STIPULATION AND AGREEMENT and ENFORCEMENT ORDER** by United States Mail, postage prepaid, on this _____ day of _____, 1992 to the following:

Ronald L. Lacey, M.D.
KUMC Department of Psychiatry
1010 N. Kansas
Wichita, Kansas 67214

Debra L. Billingsley