

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of:)
Jeremy B. Lamb, PA)
Application for Physician Assistant Licensure)

KSBHA Docket No. 12-HA00024

AGREED FINAL ORDER GRANTING LICENSE

NOW on this 21st day of October 2011, comes before the Kansas State Board of Healing Arts (Board) the request of Jeremy B. Lamb (Applicant) for a license to practice as a physician assistant in the State of Kansas. Applicant appears in person and by and through legal counsel, Steven J. Block. Stacy Bond, Associate Litigation Counsel, appears on behalf of the Applicant Board.

In accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 et seq., and pursuant to the authority granted to Board by The Kansas Physician Assistant Licensure Act, K.S.A. 65-28a01 et seq., the Board hereby enters this Agreed Final Order in the above-captioned matter. After reviewing the file, hearing the testimony of the Applicant, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board and Applicant do hereby enter this Agreed Final Order granting licensure to Applicant.

Findings of Fact

The Board has been shown the following facts:

- 1. On or about July 11, 2011, Applicant submitted, to the Board, an application for a license to practice as a physician assistant in the State of Kansas.
2. Applicant graduated from the University of Oklahoma Health Science Center in

December of 2009 and currently maintains an active physician assistant license in the State of Oklahoma.

3. In September of 2010, the Oklahoma Medical Board found that Applicant was working at a clinic by himself without supervision three days a week, and that Applicant had used pre-signed prescription pads to prescribe Schedule II controlled dangerous substances with and without his supervising physician's knowledge. Applicant also admitted to prescribing a Schedule IV controlled dangerous substance in the name of his wife.

4. The Oklahoma Physician Assistant Practice Act prohibits physician assistants from prescribing Schedule II controlled dangerous substances in an outpatient setting.

5. On May 19 2011, the Oklahoma Medical Board suspended Applicant for thirty (30) days and fined Applicant \$10,000 for unprofessional conduct.

6. As of the date of the conference hearing before the Board, Applicant's license to practice as a physician assistant in the State of Oklahoma was no longer encumbered.

7. Pursuant to K.S.A. 65-28a05(a), as further defined by K.A.R. 100-28a-8(h), there are grounds to deny Applicant's application in that Applicant has committed an act of unprofessional conduct by having a license, certification, or registration revoked, suspended, limited, censured, or by having other disciplinary action taken.

Party Stipulations

Applicant hereby consents and agrees to the following terms:

8. The physician assistant licensure act is constitutional on its face and as applied in this matter.

9. The Board maintains jurisdiction over Applicant and over this subject matter.

10. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate physician assistants and enforce violations of the physician assistant licensure act, to include rules and regulations promulgated thereunder.

11. This Agreed Final Order Granting License (“Agreed Final Order”) shall constitute the Board’s Final Order.

12. This Agreed Final Order is consistent with applicable law, and the Board is not acting beyond its jurisdiction in considering this matter or in entering into this Agreed Final Order.

13. Pursuant to K.S.A. 77-504, Applicant may waive any right conferred upon Applicant, except as otherwise precluded in the Kansas administrative procedure act.

14. Pursuant to K.S.A. 2010 Supp. 77-505, nothing in the Kansas administrative procedure act shall preclude the informal settlement of matters that may make other proceedings unnecessary.

15. Pursuant to K.S.A. 77-526, the Board expressly reserves and maintains the right and authority to enforce the terms of this Agreed Final Order.

16. Pursuant to the Kansas Judicial Review Act, K.S.A 77-601 *et seq.*, Applicant waives all rights to a hearing on, or appeal of, this Agreed Final Order.

17. Based on the information set forth in the findings of fact above, the Board has reason to believe there may be grounds to deny Applicant’s application for licensure pursuant to K.S.A. 65-28a05(h).

18. Applicant understands and agrees that upon signature by Applicant, and by the Executive Director of the Board, this Agreed Final Order shall constitute a public record and shall be reported by the Board to any entities authorized to receive orders of Board actions.

19. This Agreed Final Order is non-disciplinary in nature and does not restrict Applicant's license or scope of practice in any manner.

20. Applicant 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 Agreed Final Order. This release shall forever discharge the Releasees 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 Releasees.

Non-disciplinary Educational Requirements

Applicant hereby consents and agrees to the following:

21. Applicant shall, at his own expense, attend and successfully complete a continuing education course on the subject of prescribing controlled substances. The following continuing education courses are pre-approved by the Board's designee, Michael Beezley, M.D:

- a. The University of Texas Southwestern Medical Center and Santé Center for Healing "Prescribing of Controlled Substances" course.
- b. The Vanderbilt Center for Professional Health "Prescribing Controlled Drugs" course.
- c. University of California San Diego PACE Program "Physician Prescribing Course."

d. The Oklahoma State Medical Association “Medical & Legal Aspects of Pain Management” course.

22. On or before August 30, 2012, Applicant shall provide the Board with proof of successful completion of one of the continuing education courses listed above in paragraph 21, by submitting the same to the Kansas Board of Healing Arts, Attention: Compliance Coordinator, 800 SW Jackson Street, Lower Level-Suite A, Topeka, Kansas 66612.

23. Applicant understands and agrees that, unless otherwise approved by the Board’s designee, the required continuing education course(s) shall consist of a formal live lecture format.

24. Applicant understands and agrees that the continuing education hours for such course shall not count toward the continuing education hours required for renewal of licensure.

25. The parties agree that the non-disciplinary education requirements do not constitute any limitation or restriction on Applicant’s physician assistant license.

Violation of this Agreed Final Order

26. Applicant understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Applicant has failed to comply with any term of this Agreed Final Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Applicant’s license to practice as a physician assistant in the State of Kansas.

27. Applicant hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Applicant has failed to comply with any of the terms or conditions set forth in this Agreed Final Order. The Board acknowledges that at any such hearing, Applicant 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.*

28. Nothing in this Agreed Final Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the physician assistant licensure act, or to investigate complaints received against Applicant that are known or unknown and are not covered under this Agreed Final Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the physician assistant licensure act.

29. The Board may consider all aspects of this Agreed Final Order in any future matter regarding Applicant.

Order

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant has demonstrated satisfactory compliance with the Physician Assistant Licensure Act to be granted licensure to practice as a physician assistant in the State of Kansas, and is hereby granted licensure to practice as a physician assistant in the State of Kansas under the non-disciplinary terms set forth in this Agreed Final Order.

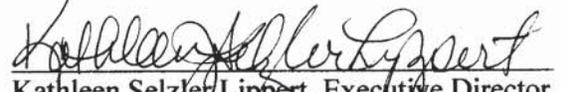
IT IS FURTHER ORDERED that all of the terms and conditions of this Agreed Final Order are fair, just and equitable, are in the public interest, and hereby incorporated and made a part of this order.

IT IS FURTHER ORDERED that this Agreed Final Order, entered into by and between the Board and Applicant, is the expressed written intent of the parties and constitutes the whole agreement between the parties.

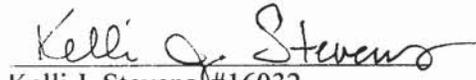
IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 17 DAY OF Feb, ²⁰¹²~~2011~~, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

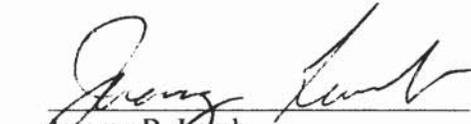
FOR THE KANSAS STATE BOARD OF HEALING ARTS:


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

PREPARED AND APPROVED BY:


Kelli J. Stevens, #16032
General Counsel

I have read, clearly understand, and fully agree to all of the terms and conditions of this Agreed Final Order Granting License, and I enter into this Agreed Final Order freely and voluntarily.


Jeremy B. Lamb
101 Foxridge
Elk City, Kansas 73644
C.K.L. Attorney

2/10/12
Date

REVIEWED AND APPROVED BY:


Steven J. Block, #12728
9233 Ward Parkway, Suite 175
Kansas City, MO 64114
Attorney for Applicant

2/14/12
Date

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing Agreed Final Order Granting Licensure was served this 20th day of February, 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Jeremy B. Lamb
101 Foxridge
Elk City, Kansas 73644

Steven J. Block
9233 Ward Parkway, Suite 175
Kansas City, MO 64114

And a copy was hand-delivered to:

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

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

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



Cathy Brown
Executive Assistant