

FILED

DEC 11 1990

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

**KANSAS STATE BOARD OF
HEALING ARTS**

IN THE MATTER OF)
)
ROBERT H. LEE, M.D.)
Kansas License No. 22676)

Case No. 90-DC-0020

ENFORCEMENT ORDER

NOW, on this 7th day of December, 1990, this matter comes on for consideration before the Kansas State Board of Healing Arts (hereinafter referred to as "Board") and Robert H. Lee, M.D., (hereinafter referred to as "Licensee") as a result of a Stipulation and Agreement having been entered into between the Board and the above-named Licensee on December 7, 1990.

After reviewing the files and being otherwise duly advised in the premises, the Board finds as follows:

1. That the Board and Licensee have entered into a Stipulation and Agreement, a true copy of which is attached hereto as "Exhibit A" and incorporated herein as if fully set forth.

2. That the attached Stipulation and Agreement should be approved and all conditions, terms and provisions set forth in the Stipulation and Agreement shall be adopted as Findings of Fact and Conclusions of Law and the order of the Board.

IT IS THEREFORE BY THE BOARD ORDERED AS FOLLOWS:

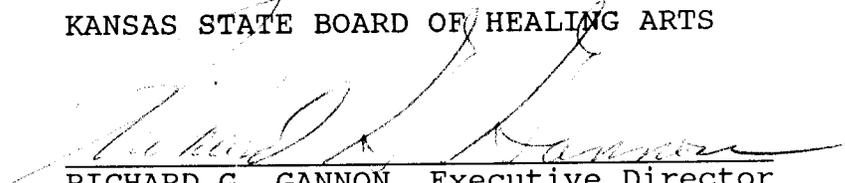
1. That the findings hereinabove made be and the same are made the order of the Board.

2. That Licensee's license to engage in the practice of medicine and surgery in the State of Kansas is hereby suspended for

an indefinite period for unspecified violations of the Kansas Healing Arts Act as is evidenced by Licensee's signature affixed to the attached Stipulation and Agreement.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS


RICHARD G. GANNON, Executive Director

12-11-90
Date

CERTIFICATE OF SERVICE

I, Steve A. Schwarm, Litigation Counsel, Kansas State Board of Healing Arts, hereby certify that I deposited a true and correct copy of the **STIPULATION AND AGREEMENT** and **ENFORCEMENT ORDER** in the United States Mail, first class, postage prepaid to Robert H. Lee, M.D., 17100 S. Cicero Avenue, Country Club Hills, IL 60478 on this 10th day of December, 1990.



Prepared by:
STEVE A. SCHWARM
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603
(913) 296-7413

**BEFORE THE BOARD OF HEALING ARTS
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**KANSAS STATE BOARD OF
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Case No. 90-DC-0020

STIPULATION AND AGREEMENT

COMES NOW, the Kansas State Board of Healing Arts (hereinafter referred to as "Board") by and through Steve A. Schwarm, Litigation Counsel and Robert H. Lee, M.D. (hereinafter referred to as "Licensee") and stipulate and agree as follows:

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

2. Licensee is currently licensed in the State of Kansas authorized to practice medicine and surgery having been issued license number 22676.

3. Prior to March 8, 1990 information was provided to the office of Disciplinary Counsel of the Board through the filing of Adverse Finding Reports by Northwest Regional Medical Center, Goodland, Kansas regarding quality of care issues.

4. On March 8, 1990 the Medicine and Surgery Review Committee of the Kansas State Board of Healing Arts met in regular session and reviewed the three Adverse Finding cases submitted for evaluation regarding the quality of care administered to the involved patients by Licensee. The Medicine and Surgery Review Committee made the determination that the allegation concerning the

quality of care was substandard and did not meet the applicable standard of care administered for the practice of medicine and surgery in the State of Kansas.

5. Based on the above information, the Board has determined there is probable cause to believe that Licensee has engaged in repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence and that such repeated failure to practice the healing arts with the level of care, skill and treatment which is recognized by reasonably prudent and similar practitioners as being acceptable under similar conditions and circumstances.

6. Under the provisions of K.S.A. 1989 Supp. 65-2836(b) and K.S.A. 1989 Supp. 65-2837(b)(24) the Board has jurisdiction to impose appropriate discipline if the Licensee is found to have failed to practice the healing arts with an acceptable level of care, skill and treatment. Under the provisions of K.S.A. 1989 Supp. 65-2838(b) the Board has the authority to enter into this Stipulation and Agreement.

7. It is the intent and purpose of this Stipulation and Agreement to provide for settlement of all issues without the necessity of proceeding to a formal disciplinary hearing. In lieu of the investigative material being presented to the Board as evidence in a formal adjudicative hearing, Licensee, by signature attached to this Stipulation and Agreement, hereby consents and

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acquiescence in an indefinite suspension of his license to practice medicine and surgery in the State of Kansas for unspecified violations. The terms and conditions of this Stipulation and Agreement 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. The Stipulation and Agreement shall not be binding on the Board until an authorized signature is affixed on the last page of this document.

8. In consideration of the conditions, terms, covenants and promises contained herein the parties agree as follows as it relates to findings of fact and conclusions of law:

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

B) Licensee admits that this Stipulation and Agreement 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 is lawfully constituted to consider this matter to include consideration of this Stipulation and Agreement. Licensee further notes that the Kansas Healing Arts Act as set forth in the Statute and as recited in the Stipulation and Agreement is constitutional on its face and as applied in this case. Licensee further acknowledges that the Board, acting in this matter, is not acting beyond the jurisdiction referred to it by any

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provisions of law. Licensee further acknowledges that the Board will decide the issue regarding resolution of this matter and acceptance of this Stipulation and Agreement as it relates to the Kansas Healing Arts Act and the indefinite suspension for unspecified violations regarding Licensee's license to engage in the practice of medicine and surgery in the State of Kansas.

C) Licensee's license to engage in the practice of medicine and surgery in the State of Kansas is hereby suspended for an indefinite period for unspecified violations of the Kansas Healing Arts Act. Licensee's agreement to abide by an indefinite suspension for unspecified violations is evidenced by his signature affixed to this document.

D) If Licensee fails to comply with this Stipulation and Agreement and subsequent Enforcement Order, but not limited to engaging in the practice of medicine and surgery while Licensee's license is so suspended, may result in the Board or Board designee holding an informal investigative inquiry which Licensee now consents to for Licensee to show cause why Licensee should not be held in violation of a breach of this Stipulation and Agreement and Enforcement Order and why a hearing on the merits of non-compliance should not be held regarding a violation of one or more of the provisions of K.S.A. 1989 Supp. 65-2836 to include 65-2836(n). Upon determination that Licensee willfully breached or violated this Stipulation and Agreement and Enforcement Order or any

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conditions attached thereto, or that Licensee has elected not to comply with this Stipulation and Agreement or contract provisions the Board will immediately take disciplinary action as the Board deems appropriate in compliance with the Kansas Administrative Procedure Act.

E) Nothing in this 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 Risk Management Law, K.S.A. 65-4921 et seq. that are unknown and are not covered under the conditions of this Stipulation and Agreement or subsequent acts which are unknown to the Board.

F) This Stipulation and Agreement 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.

G) Licensee acknowledges that Licensee has read this Stipulation and Agreement and fully understands the contents.

H) Licensee 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 discharge the Board of any/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

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Licensee 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 or the content of this Stipulation and Agreement.

I) Licensee acknowledges that this Stipulation and Agreement has been entered into freely and voluntarily given.

9. Licensee acknowledges he has read or has had read to him all the numbered paragraphs above, 1 through 8 and has received a copy of this Stipulation and Agreement.

IN WITNESS WHEREOF the parties have executed this agreement on this x 7 day of x December, 1990.

KANSAS STATE BOARD OF HEALING ARTS

Franklin Bichlmeier MD
FRANKLIN BICHLMEIER, M.D.
Board President

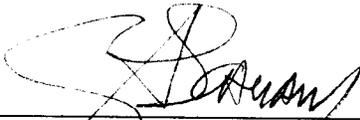
x December 7, 1990
Date

Robert H. Lee
ROBERT H. LEE, M.D.
Licensee

10 Dec 1990
Date

STIPULATION AND AGREEMENT
Robert H. Lee, M.D.

Prepared and Approved by:



Steve A. Schwarm, #13232
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
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