

BEFORE THE KANSAS STATE BOARD OF HEALING ARTS

In the Matter of
GERARD A. MATTHYS, D.P.M., Licensee
Kansas License Number 107;

ENFORCEMENT ORDER

NOW, on this 27th day of March, 1990, this matter comes before the Board as a result of the Stipulation having been entered into between the Board and the above-named licensee. The Kansas State Board of Healing Arts appears by and through its General Counsel, Lawrence T. Buening, Jr. There are no other appearances.

After examining the files, hearing the statements of counsel and being otherwise duly advised in the premises, the Board finds as follows:

1. That Licensee may have committed certain acts which may be in violation of the Kansas Healing Arts Act for which disciplinary proceedings may be initiated.

2. That in lieu of initiation of formal adjudicative proceedings under the Kansas Administrative Procedure Act, the Board and Licensee have heretofore entered into a Stipulation dated March 26, 1990, a copy of which is attached hereto as Exhibit A, in which the parties have agreed to the following:

A. Licensee agrees to discontinue use of the title "M.D." or any other word or abbreviation indicating he has a license to practice medicine and surgery in the State of Kansas or to treat or diagnose conditions, ailments, diseases or injuries of human beings other than those of the foot.

B. The provisions of paragraph one are not to be construed to limit Licensee's ability to utilize designation "M.D." in activities which have no relationship or connection whatsoever to his professional practice of podiatry or to the diagnosis or treatment of a specific individual for any human condition, ailment, disease or injury.

C. Licensee shall not utilize any advertisement as that term is defined in K.S.A. 1989 Supp. 65-2837(d) which indicates Licensee has a license to engage in any professional practice or provide any professional services other than the proper practice of podiatry.

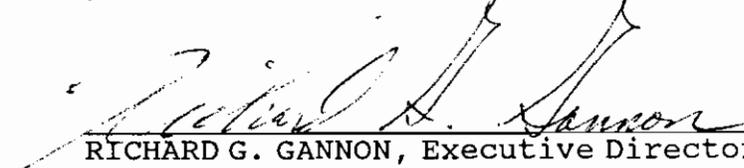
IT IS THEREFORE BY THE BOARD CONSIDERED AND ORDERED that the findings hereinabove made by and the same are hereby made the order and decree of the Board.

It is ordered that the Stipulation attached hereto as Exhibit A be hereby approved and made binding upon the Board.

It is further ordered that any violation of the Stipulation shall constitute prima facie evidence of a violation of the Healing Arts Act and formal adjudicative proceedings may be initiated against Licensee for the revocation, suspension or limitation of said Licensee's license to practice podiatry in the State of Kansas.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS


RICHARD G. GANNON, Executive Director

Prepared and Approved by:

LAWRENCE T. BUENING, JR.
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-7413

STIPULATION

THIS AGREEMENT made and entered into this 26th day of March, 1990, by and between the KANSAS STATE BOARD OF HEALING ARTS (hereinafter referred to as "Board") and GERARD A. MATTHYS, D.P.M. (hereinafter referred to as "Licensee").

WITNESSETH:

WHEREAS, Licensee is licensed by the Board to practice podiatry in the State of Kansas and is the holder of certificate number 107; and

WHEREAS, the Board has received certain information in which Licensee has allegedly utilized the term "M.D." and other words and phrases which, when utilized in connection with the title M.D., may indicate Licensee has the ability to engage in the practice of medicine and surgery in the State of Kansas; and

WHEREAS, Licensee has provided the Board with information indicating he received the degree of Doctor of Medicine from the St. Lucia Health Sciences University in Castries, St. Lucia, West Indies, but has not heretofore applied for nor received from the Board a license to practice medicine and surgery in the State of Kansas; and

WHEREAS, certain statutes contained within the Healing Arts Act and the Podiatry Act preclude the use of the designation "M.D." in connection with any professional practice except by individuals licensed to practice medicine and surgery; and

WHEREAS, use of the title "M.D." and other words and phrases as above described may constitute one or more violations of the Podiatry Act for which the Board may initiate proceedings to revoke, suspend or limit the license of Licensee to practice podiatry in the State of Kansas; and

WHEREAS, in lieu of any further investigation or proceedings under the Administrative Procedures Act, the parties hereto are desirous of entering into this Stipulation.

NOW, THEREFORE, in consideration of the forbearance of further investigation or proceedings under the Administrative Procedures Act at this time and the other covenants and promises contained herein, the parties hereto agree as follows:

1. Licensee agrees to immediately discontinue use of the title "M.D." or any other word or abbreviation indicating he has a license to practice medicine and surgery in the State of Kansas or to treat or diagnose conditions, ailments, diseases or injuries of human beings other than those of the foot.

2. The provisions of paragraph one are not to be construed to limit Licensee's ability to utilize designation "M.D." in activities which have no relationship or connection whatsoever to his professional practice of podiatry or to the diagnosis or treatment of a specific individual for any human condition, ailment, disease or injury.

3. Licensee shall not utilize any advertisement as that term is defined in K.S.A. 1989 Supp. 65-2837(d) which indicates Licensee

has a license to engage in any professional practice or provide any professional services other than the proper practice of podiatry.

4. This Stipulation shall not be construed to limit Licensee's ability to provide professional services to patients in accordance with the proper practice of podiatry.

5. This Stipulation does not prohibit Licensee from providing services, not included within the proper practice of podiatry, which may be lawfully performed by individuals who are not registered, licensed or otherwise credentialed by the State of Kansas. PROVIDED, HOWEVER, in providing such services Licensee shall not employ or utilize any representations that such services are being provided pursuant to his license to practice podiatry.

6. It is understand and agreed that the provisions of this Stipulation are to be strictly construed and adhered to by the parties.

7. In executing this Stipulation, Licensee waives all procedural and due process requirements afforded to him by the Kansas Administrative Procedures Act. In consideration of such waiver by Licensee, the Board agrees this Stipulation shall be an adjudication and determination of any proceedings or actions that could be taken or instituted by the Board for any acts or alleged acts by Licensee which are presently known by the Board.

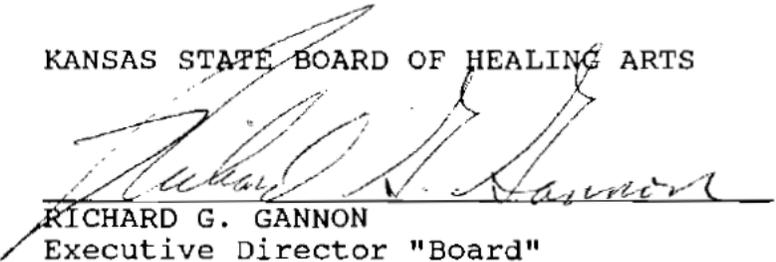
8. Licensee has entered into this Stipulation freely and voluntarily and without any coercion or duress on the part of the Board and further acknowledges that he has been represented by counsel prior to the execution of this Stipulation.

9. This Stipulation constitutes the entire agreement between the parties and there are no other agreements or understandings not set forth herein. This Stipulation may be modified or amended only by written instrument executed by the parties hereto.

10. Licensee understands that any violation of the terms and conditions of this Stipulation by Licensee shall constitute a violation of the Podiatry Act for which the Board may initiate formal proceedings to revoke, suspend or limit the license of Licensee under the Kansas Administrative Procedures Act.

IN WITNESS WHEREOF, the parties hereto have executed this Stipulation on the date indicated below their signature, it being specifically understood that the effective date of this agreement will be the date it has been signed by both parties hereto.

KANSAS STATE BOARD OF HEALING ARTS

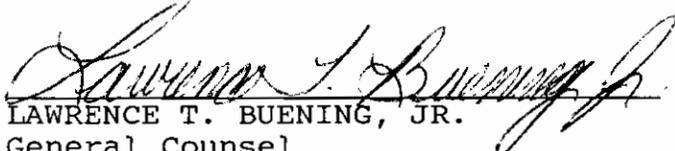

RICHARD G. GANNON
Executive Director "Board"

3-26-90
DATE
Confidential

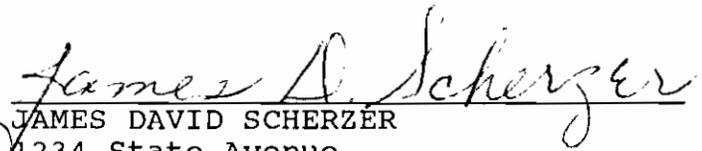
GERARD P. MATTHYS, D.P.M.
"Licensee"

3-8-90
DATE

Prepared and Approved by:


LAWRENCE T. BUENING, JR.
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-7413

Approved by:


JAMES DAVID SCHERZER
1234 State Avenue
Kansas City, Kansas 66102
(913) 621-5254
Attorney for Licensee