

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

FEB 17 2003

In the Matter of )  
 )  
Steven P. Medeiros, D.O. )  
Application for License )  
\_\_\_\_\_ )

Docket No. 03-HA-57

KANSAS STATE BOARD OF  
HEALING ARTS

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts ("Board") by and through Kelli J. Benintendi, Associate Counsel ("Petitioner"), and Steven P. Medeiros, D.O., ("Applicant"), appearing *pro se*, and move the Board for approval of a Consent Order granting Applicant a License to practice medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. Applicant's mailing address as provided to the Board is c/o Bob Wilson Memorial Hospital, 415 North Main Street, Ulysses, Kansas, 67880.
2. On or about August 8, 2002, Applicant submitted an application for a license to practice osteopathic medicine and surgery, which was deemed complete on February 13, 2003.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.*; K.S.A. 65-2869.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided

by K.S.A. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

6. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. Applicant voluntarily and knowingly waives his right to a hearing. Applicant voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Applicant or the Board until an authorized signature is affixed at the end of this document. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. Applicant acknowledges that the Board has received information, has investigated such information, and has reasonable cause to believe there may be grounds for denial of Applicant's application for a license pursuant to K.S.A. 65-2836(b) for unprofessional conduct.

10. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

11. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following conditions being placed on his license to engage in the practice of osteopathic medicine and surgery:

(a) **(Confidential)**

(b) **(Confidential)**

(c) **(Confidential)**

(d) **(Confidential)**

(Confidential)

(e) (Confidential)

(f) The terms of this Consent Order are not self-terminating. Applicant must obtain prior Board approval before modifying or discontinuing any of the requirements of this Consent Order.

12. Applicant's failure to comply with the provisions of the Consent Order will result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

13. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate 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 known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

14. Applicant hereby releases the Board, its individual members (in their official and personal capacities), 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 Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq* arising out of the investigation and acts leading to the execution of this Consent 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.

15. Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record, and shall be reported to any reporting entities requiring disclosure of this Consent Order.

16. This Consent Order, when signed by both parties, 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.

17. Applicant agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Applicant is not present. Applicant further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

18. Applicant, by signature to this document, waives any objection to the participation of the Board members in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future

proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

19. Applicant acknowledges that he has read this Consent Order and fully understands the contents.

20. Applicant acknowledges that this Consent Order has been entered into freely and voluntarily.

21. All correspondence or communication between Applicant and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Kelli J. Benintendi, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

22. Applicant shall obey all federal, state and local laws and rules governing the practice of osteopathic medicine and surgery in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

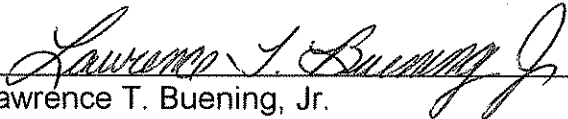
23. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

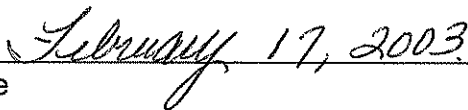
24. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.

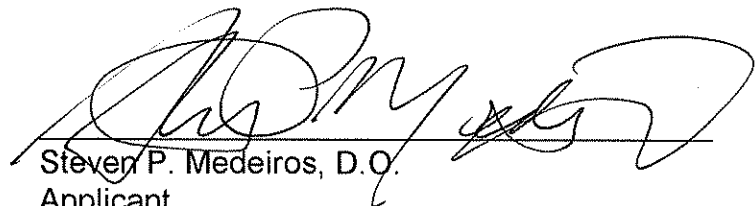
**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Applicant is granted a license to practice osteopathic medicine and surgery in Kansas subject to the conditions set forth herein.

**KANSAS STATE BOARD OF HEALING ARTS**


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

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Steven P. Medeiros, D.O.  
Applicant

  
\_\_\_\_\_  
Date

Prepared by:

  
\_\_\_\_\_  
Kelli J. Benintendi, #16032  
Associate Counsel  
Kansas State Board of Healing Arts  
235 South Topeka Boulevard  
Topeka, Kansas 66603-3068  
(785) 296-7413

**CERTIFICATE OF SERVICE**

I, Kelli J. Benintendi, Associate Counsel, Kansas State Board of Healing Arts, hereby certify that I served a copy of the above **CONSENT ORDER** by depositing the same in the U.S. mail, postage prepaid, on this the 17th day of February, 2003, addressed to:

Steven P. Medeiros, D.O.  
c/o Bob Wilson Memorial Hospital  
415 North Main Street  
Ulysses, Kansas 67880

and a copy was hand-delivered to:


Charlene Abbott  
Licensing Administrator  
Kansas Board of Healing Arts  
235 South Topeka Blvd.  
Topeka, Kansas 66603

and a courtesy copy was sent to:

Howard Bogard  
Burr & Forman, LLP  
P.O. Box 830719  
Birmingham, Alabama 35283-0719

and the original was hand-delivered to:

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

  
Kelli J. Benintendi  
Associate Counsel