

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

In the Matter of )  
 )  
JOHN L. MORELAND, D.O. )  
Applicant for Licensure )  
\_\_\_\_\_ )

DEC 14 1993

KANSAS STATE BOARD OF  
HEALING ARTS

**STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**

COMES NOW the Kansas State Board of Healing Arts (hereinafter referred to as "Board") and John L. Moreland, D.O. (hereinafter referred to as "Applicant") 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 osteopathic medicine and surgery, pursuant to K.S.A. 65-2801 et seq.; K.S.A. 65-2870.

2) Applicant has made application to the Board for an active permanent license to engage in the practice of osteopathic medicine and surgery in the State of Kansas.

3) The Board has authority to issue a permanent license to Applicant pursuant to K.S.A. 65-2833 and 65-2873.

4) Applicant graduated from the University of Health Sciences, College of Osteopathic Medicine, Kansas City, on May 1, 1967. Applicant holds a current license to practice osteopathic medicine and surgery in Missouri.

5) In October of 1985, Applicant's clinical practice privileges were terminated while serving at Laughlin Air Force

Base, Texas, Confidential  
Confidential

6) Confidential  
Confidential

7) Applicant was asked to resign from his private practice position with the Gunn Clinic in 1989, based upon the above-noted disciplinary action by the military.

8) As the only physician at the Gunn Clinic with proper Drug Enforcement Agency (DEA) authority, Applicant failed to notify the Missouri Bureau of Narcotics and Dangerous Drugs (BNDD) of his separation from the clinic. Applicant's DEA registration was subsequently restricted to prescribing within the scope of his new nursing home practice employment with the Blue Valley Medical Group.

9) Based on the above information, there is probable cause to believe grounds may exist for discipline or denial of licensure by the Board. Specifically, Applicant may have the inability to practice medicine and surgery with reasonable skill and safety to patients Confidential pursuant to K.S.A. 65-2836(i). Sanctions or disciplinary action was taken against Applicant by a governmental agency for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action. K.S.A. 65-2836(s). Applicant has further surrendered the authority to utilize controlled substances issued by a state agency. K.S.A. 65-

2836(u). Applicant may have violated a federal law or regulation relating to controlled substances. K.S.A. 65-2836(q). Under the provisions of K.S.A. 65-2838(b), the Board has authority to enter into this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** (hereinafter referred to as "Stipulation") in lieu of denying a license based upon the above-mentioned grounds.

10) It is the intent and purpose of this **STIPULATION** to provide for settlement of all issues without the necessity of proceeding to a formal disciplinary hearing. Applicant understands and agrees that by entering into this **STIPULATION** he is voluntarily and knowingly waiving his right to a hearing, 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 present any and all substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

11) The terms and conditions of this **STIPULATION** are entered into between the parties to become an Order of the Board which shall not become binding on the Board until an authorized signature is affixed on the last page of this document. Applicant's signature of this document creates a unilateral contract binding Applicant to all the terms and conditions set forth in this **STIPULATION** whether or not the Board signature is affixed to this document. Applicant acknowledges that counsel for the Board is not authorized to sign for nor bind the Board.

12) In consideration of the conditions, terms, covenants and promises contained herein, the parties 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 osteopathic medicine and surgery.

b) Applicant agrees this **STIPULATION** and the filing of said document are in accordance with the requirements of law, that the Board has jurisdiction to consider this **STIPULATION** and that the Board is lawfully constituted to consider this matter. Applicant further agrees the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, as set forth by statute and as recited in this **STIPULATION**, is constitutional on its face and as applied in this case.

c) In lieu of the initiation of formal proceedings and/or findings by the Board, Applicant freely and voluntarily stipulates and agrees to the following conditions placed upon his license to engage in the practice of osteopathic medicine and surgery in the State of Kansas:

i) Applicant agrees to limit his medical practice to nursing home services performed within the scope of his employment with the Blue Valley Medical Group.

ii) Applicant agrees to immediately notify the Office of the Disciplinary Counsel of any changes in status of his employment, licensure and/or DEA registration.

d) Upon receipt by Board staff of this **STIPULATION** signed by Applicant, and upon fulfillment of all other requirements for permanent licensure, Applicant will be issued an active license to practice osteopathic medicine and surgery in the State of Kansas.

e) Applicant may petition the Board for rescission and/or modification of this **STIPULATION** at any time.

f) Applicant's failure to comply with the provisions of this **STIPULATION** will result in the Board taking disciplinary action in compliance with the Kansas Administrative Procedure Act. Applicant acknowledges that proof submitted to the Board by an affidavit or other form indicating Applicant has failed to meet the conditions of this **STIPULATION** or any provisions of the Healing Arts Act shall be deemed good and sufficient evidence to support an alleged violation of noncompliance with this **STIPULATION**. Any breach of this **STIPULATION** may result in the Board issuing a Summary Revocation Order of Applicant's license to engage in the practice of osteopathic medicine and surgery in the State of Kansas in which Applicant agrees not to contest, defend or challenge in any civil or administrative proceeding.

g) This **STIPULATION** 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.

h) This **STIPULATION** is entered into freely and voluntarily by the parties, and Applicant agrees he has read and

understands this **STIPULATION**.

i) Applicant hereby releases the Board, its employees and agents, from all claims to mean those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions. K.S.A. 77-601 *et seq.* This release shall forever discharge the Board of any and all claims or demands of every kind and nature that Applicant claims 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** or the content of this **STIPULATION**.

j) Applicant acknowledges this document shall be deemed a public record upon Applicant signing this **STIPULATION**, whether or not an authorized Board signature appears on same. Applicant further acknowledges this voluntary agreement shall not constitute a disciplinary action and shall not be reportable as such to any reporting entity.

13) All correspondence or communication by Applicant to the Board shall be by United States mail, addressed to the Kansas State Board of Healing Arts, to the attention of the Office of the Disciplinary Counsel, 235 S. Topeka Blvd., Topeka, Kansas, 66603-3068.

14) 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 this **STIPULATION** or which may become effective subsequent to the execution of this **STIPULATION**. Applicant has an affirmative duty to notify the Board of changes in his professional status which would inhibit compliance with the above conditions of this **STIPULATION**.

15) Upon execution of this **STIPULATION** by affixing a Board authorized signature below, the provisions of this **STIPULATION** shall become an Order of the Board and shall be deemed a proper and lawful Enforcement Order pursuant to K.S.A. 65-2838(b). This **STIPULATION** shall constitute the Order of the Board when filed with the Office of the Executive Director for the Board.

**IN WITNESS WHEREOF** the parties have executed this agreement on this 14<sup>th</sup> day of December, 1993.

KANSAS STATE BOARD OF HEALING ARTS

  
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Lawrence T. Buening, Jr.  
Executive Director

December 14, 1993  
\_\_\_\_\_  
Date

*John L. Moreland D.O.*

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John L. Moreland, D.O.  
Applicant

12-7-93

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Date

Prepared and approved by:

*Gretchen E. Schmidt*

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Gretchen E. Schmidt, #16250  
Staff Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603-3068  
(913) 296-7413

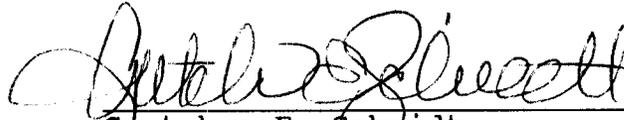
**CERTIFICATE OF SERVICE**

I, Gretchen E. Schmidt, Staff Counsel of the Kansas State Board of Healing Arts, do hereby certify that on the 14<sup>th</sup> day of December, 1993, a true and correct copy of the above and foregoing **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** was deposited in the United States mail, first class, postage prepaid, addressed to the following:

John L. Moreland, D.O.  
Blue Valley Medical Group  
7299 West 98th Terrace, Suite 100A  
Overland Park, Kansas 66212

and the original was hand-delivered to:

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

  
Gretchen E. Schmidt

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