

**STIPULATION**

**THIS AGREEMENT** entered into this 14 day of October, 1989, by and between the **KANSAS STATE BOARD OF HEALING ARTS**, (hereinafter referred to as Board") and **JULIAN NUNEZ, M.D.**, (hereinafter referred to as Licensee").

**WITNESSETH:**

**WHEREAS**, on December 5, 1988, evidence was received by the Board that Licensee was possibly prescribing controlled drugs to patients in an inappropriate manner; and

**WHEREAS** pursuant to the information received on December 5, 1988, the Disciplinary Counsel for the Board caused an investigation into Licensee's prescribing practices to be undertaken; and

**WHEREAS**, during the course of the above-mentioned investigation approximately 40 of Licensee's patient files were subpoenaed by the Board for the purpose of review; and

**WHEREAS**, a review of the patient files raised questions concerning the Licensee's prescription of controlled medications to various patient and to what may have been in an inappropriate manner or quantity; and

**WHEREAS**, a review of said patient records revealed that Licensee may have been prescribing controlled or scheduled drugs including Tylenol 3, Darvocet, Darvocet N 100, Talwin, Valium and Tanxene in excessive amounts and in inappropriate combinations; and

**WHEREAS**, a review of said patient records revealed that Licensee may have been prescribing Scheduled medications to patients whose records revealed that said patients may have been abusing the Scheduled medications which were prescribed to them; and

**WHEREAS**, a review of said patient records revealed that in some of the records, documentation indicated that pharmacies had contacted Licensee, reporting that the patient was receiving large amounts of controlled substances, not only from Licensee, but from other physicians as well; and

**WHEREAS** on June 14, 1989, under command of a Subpoena, Licensee appeared before Richard G. Gannon, Executive Director of

the Board. Also present at the interview was the consultant who had reviewed the 40 patient records which had been subpoenaed from Licensee. The purpose of the interview was to discuss with Licensee the findings resulting from the review of the 40 patient records which had been conducted by the consultant; and

**WHEREAS**, at the regularly scheduled Board Meeting on June 16, 1989, the evidence obtained from the interview with Licensee and from the review of Licensee's records was presented to the Board; and

**WHEREAS**, the Board found, based upon the evidence presented, that these prescriptions for controlled substances in the amounts and for the durations prescribed may constitute grounds for revocation, suspension, or limitation of Licensee's license; and

**WHEREAS**, the Licensee denies that he was prescribing controlled drugs to patients in an inappropriate manner, he desires to resolve any dispute with the Board so as to benefit Licensee's patients and the public at large; and

**WHEREAS**, in lieu of the prosecution of formal charges at a hearing the parties mutually agree to enter into a formal Stipulation.

**NOW, THEREFORE**, in consideration of the forbearance of a formal hearing and other covenants and promises contained herein the parties hereto agree as follows:

1. That, Licensee shall be monitored by the Board in his practice of prescribing Schedules II, III and IV controlled drugs for outpatients.

2. That, Licensee will submit to the Board, on a weekly basis, lists of his prescriptions and the reasons for prescribing said Schedules II, III and IV drugs for outpatients.

3. That, Licensee agrees to attend as continuing medical education, at his own expense, the mini-residency sponsored by the University of Medicine and Dentistry of New Jersey School of Osteopathic Medicine at Camden, New Jersey. The mini-residency program is entitled, "The Proper Prescribing of Controlled Dangerous Substances". Said mini-residency will be attended by Licensee at the first available opportunity.

4. That, the above-mentioned weekly listings shall be submitted by Licensee to the Board until Licensee's successful completion of the above-stated residency in Camden, New Jersey. Receipt of Licensee's passing grades from the mini-residency will constitute proof of Licensee's successful completion of said mini-residency. At such time the weekly listings may be discontinued.

5. That, subsequent to Licensee's successful completion of the mini-residency in Camden, New Jersey, Licensee will continue to supply the Board with monthly reports summarizing Licensee's prescribing practices and such reports shall continue for one year or until the Board has been satisfied as to Licensee's compliance with proper prescribing procedures.

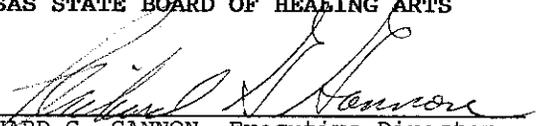
6. That, as long as Licensee remains in strict compliance with the terms and conditions of this Stipulation, no formal adjudicative proceedings shall be initiated against Licensee based upon the aforementioned findings. Any violation of any of the terms and conditions of this Stipulation by the Licensee may result in prosecution of formal charges at a hearing, at which time the Board may suspend, revoke, or limit the license of the Licensee.

7. That, it is further agreed and understood that the provisions of this Stipulation are to be strictly construed and adhered to. This Stipulation constitutes the entire agreement between the parties and there are no other agreements and understandings not set forth herein. This Stipulation may be modified or amended only by written instrument signed by the parties hereto.

8. That, this Stipulation shall remain in full force and effect until modified, amended, or rescinded by the parties hereto. Licensee may request an appearance before the Board to discuss modification, amended, or rescission of this Stipulation and the Board will give such request due consideration.

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

KANSAS STATE BOARD OF HEALING ARTS

  
RICHARD G. GANNON, Executive Director

10-14-89  
Date

J Nunez, MD  
JULIAN NUNEZ, M.D.

10-3-89  
Date

Prepared by:  
JOSEPH M. FURJANIC, Disciplinary Counsel  
Kansas State Board of Healing Arts  
900 S.W. Jackson, Suite 553  
Topeka, Kansas 66612  
(913) 296-7413

BEFORE THE KANSAS STATE BOARD OF HEALING ARTS

In the Matter of  
**Julian Nunez, M.D.**  
Kansas License Number 15668

ENFORCEMENT ORDER

NOW, on this 16th day of October, 1989, this matter comes before the Board as a result of a Stipulation having been entered into between the Board and the above-named Licensee.

The Kansas State Board of Healing Arts is represented by its Disciplinary Counsel, Joseph M. Furjanic. 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 shall be monitored by the Board in his practice of prescribing Schedules II, III and IV controlled drugs for outpatients.

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5. That, subsequent to Licensee's successful completion of the mini-residency in Camden, New Jersey, Licensee will continue to supply the Board with monthly reports summarizing Licensee's prescribing practices and such reports shall continue indefinitely or until the Board has been satisfied as to Licensee's compliance with proper prescribing procedures.

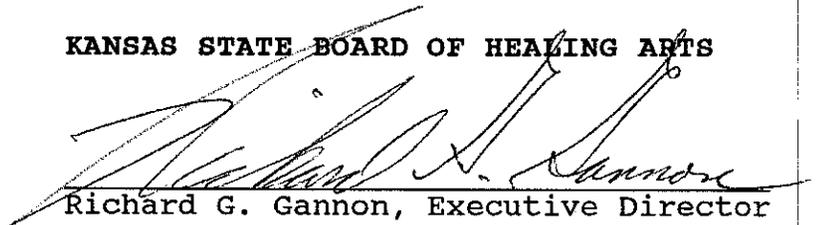
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8. That, this Stipulation shall remain in full force and effect until modified, amended, or rescinded by the parties hereto. Licensee may request an appearance before the Board to discuss modification, amendment, or rescission of this Stipulation and the Board will give such request due consideration.

**NOW, THEREFORE,** it is ordered by the Board that the findings hereinabove made be and the same are hereby made the order of the Board, the Stipulation attached hereto is hereby approved and Licensee is ordered and directed to comply with all provisions thereof.

**KANSAS STATE BOARD OF HEALING ARTS**



Richard G. Gannon, Executive Director

Prepared and approved by:  
Joseph M. Furjanic, Disciplinary Counsel  
Kansas State Board of Healing Arts  
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