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JUN 16 2009

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

KS State Board of Healing Arts

In the Matter of)
ADELBERT T. REECE, M.D.)
Kansas License No. 04-13366.)
_____)

Docket No. 09-HA- **00211**

CONSENT ORDER

COMES NOW the Kansas State Board of Healing Arts (“Board”) by and through Lori D. Dougherty, Associate Litigation Counsel, and Adelbert Reece, M.D., (“Licensee”), by and through counsel, James T. Wiglesworth, and move the Board for approval of a Consent Order affecting Licensee’s license to practice medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is Mid America Psychiatrists, 10730 Nall Avenue, Suite 200, Leawood, Kansas 62611-1285.
2. Licensee is or has been entitled to engage in the practice of medicine in the state of Kansas, having been issued License No. 04-13366 on June 12, 1965. Licensee last renewed his license on June 2, 2008.
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. 77-505 and 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. Licensee agrees that, in considering this matter, the Board is not beyond its jurisdiction as provided by law.
7. Licensee voluntarily and knowingly waives his right to a hearing. Licensee 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. Licensee 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 Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
9. At all relevant times hereto, Licensee has been actively practicing medicine in Leawood, Kansas.
10. The Board has received information and investigated the same, has reason to believe that with during the time period of 2002 through 2008:
 - a. Licensee treated Patient #1, a forty-five (45) year old female beginning in approximately May 2002.
 - i. Patient #1 presented to Licensee for management and treatment of chronic pain.

- ii. Licensee prescribed schedule II narcotics for the treatment of Patient #1's chronic pain symptoms.
 - iii. Licensee failed to recognize and address instances of Patient #1's abuse and/or misuse of the controlled substances which had been prescribed by Licensee.
 - iv. Licensee failed to maintain proper prescription refill history in Patient #1's medical record.
- b. Licensee treated Patient #2, a thirty-eight (38) year old female, from approximately April 2004 until July 2007.
- i. Patient #2 presented to the Licensee for management and treatment of chronic lower back pain.
 - ii. Licensee prescribed schedule II narcotics for the treatment of Patient #2's chronic pain symptoms.
 - iii. Licensee failed to recognize and address instances of Patient #2's abuse and/or misuse of controlled substances which had been prescribed by Licensee.
 - iv. Licensee failed to maintain proper prescription refill history in Patient #2's medical record.

11. Pursuant to K.S.A. 65-2836, the Board is authorized to take action with respect to

Licensee's license under the Healing Arts Act, K.S.A. 65-2801, *et seq.* in that:

- a. Licensee has inappropriately prescribed a controlled substance in an inappropriate or improper manner in violation of K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(23).

- b. Licensee has failed to keep written medical records which accurately describe the services rendered to the patient in violation of K.S.A. 65-2836(b, as further defined by K.S.A. 65-2837(b)(25);
12. 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.
13. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary measures against his license to engage in the practice of medicine and surgery: Licensee's license hereby placed on **PROBATION**. The terms and conditions of such probation are as follows:

Continuing Education

- a. Licensee shall complete a Board-approved continuing education course in a prescribing course with an emphasis in recognizing drug-seeking behavior at his own expense. The course titled "Physician Prescribing" and offered by the University Of California San Diego School Of Medicine – Physician Assessment and Clinical Education (PACE) Program is approved to meet this requirement. Licensee shall provide proof of completion to the Board on or before August 31, 2009.
- b. Licensee shall complete a Board-approved course in medical record-keeping at his own expense. The course titled "Medical Record Keeping" and offered by the University of California San Diego School of Medicine PACE Program is approved to meet this requirement. Licensee shall provide proof of completion to the Board on or before August 31, 2009.

- c. Licensee shall provide proof of completion by sending a certificate of completion for each course by to:

Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

- d. The probation period is not self-terminating. After completing the above terms, Licensee may petition the Board for termination.

14. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate in accordance with the Kansas Administrative Procedure Act.

15. 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.

16. Licensee hereby releases the Board, its employees and agents, from any and all claims, including but not limited to, 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 Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and 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 or the content of this Stipulation.

17. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record, and shall be reported to any reporting entities authorized to receive disclosure of this Consent Order.
18. 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.
19. Licensee 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 Licensee is not present. Licensee 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.
20. Licensee by signature to this document, waives any objection to the participation of the Board members and General Counsel, including the Disciplinary Panel, in the consideration of this offer of settlement, and agrees not to seek the disqualification or recusal of any Board member and General Counsel in any future proceeding on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.
21. Licensee acknowledges that he has read this Consent Order and fully understands the contents and that this Consent Order has been entered into freely and voluntarily.

22. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to:

Kansas Board of Healing Arts,
Attn: Compliance Coordinator
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068.

23. Licensee shall obey all federal, state, and local laws and rules governing the practice of 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.

24. 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.

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

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, and is the Order of the Board.

IT IS FURTHER ORDERED that Licensee's license is subject to the following disciplinary action in that Licensee's license hereby placed on **PROBATION**. The terms and conditions of such probation are as follows:

Continuing Education

- a. Licensee shall complete a Board-approved continuing education course in a prescribing course with an emphasis in recognizing drug-seeking behavior at his

own expense. The course titled "Physician Prescribing" and offered by the University Of California San Diego School Of Medicine – Physician Assessment and Clinical Education (PACE) Program is approved to meet this requirement. Licensee shall provide proof of completion to the Board on or before August 31, 2009.

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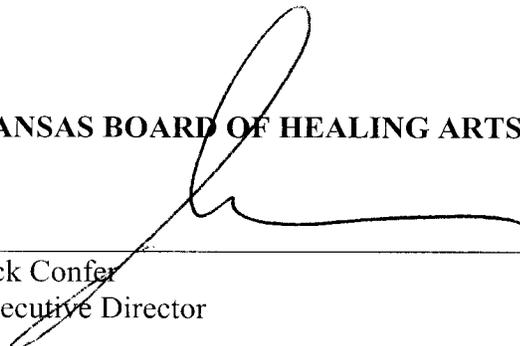
c. Licensee shall provide proof of completion by sending a certificate of completion for each course by to:

Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

d. The probation period is not self-terminating. After completing the above terms, Licensee may petition the Board for termination.

IT IS SO ORDERED.

KANSAS BOARD OF HEALING ARTS:



Jack Confer
Executive Director

6-16-09

Date

Adelbert Thoman Reece

Adelbert Thoman Reece, M.D.

Licensee ^e

5/18/19

Date

PREPARED BY:

Lori D. Dougherty

Lori D. Dougherty, #22696
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235 S. Topeka Boulevard
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(785) 368-8212

APPROVED BY:

James T. Wiglesworth

James T. Wiglesworth, #
Attorney for Licensee
6330 Lamar Avenue, Suite 125
Overland Park, KS 66202
(913) 831-2311

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing
CONSENT ORDER was served this 16th day of June, 2009, by depositing the
same in the United States mail, postage prepaid, and addressed to the following:

James T. Wigglesworth
Attorney for Licensee
6330 Lamar Avenue, Suite 125
Overland Park, KS 66202

Adelbert Thoman Reece, M.D.
Mid America Psychiatrists
10730 Nall Avenue, Suite 200
Leawood, Kansas 62611-1285

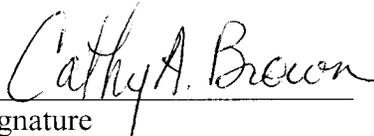
and a copy was hand-delivered to:

Lori D. Dougherty, Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was hand-delivered for filing to:

Jack Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Signature