

NOV 22 2016

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of

Billy D. Richardson, Jr. M.D.
Kansas License No. 04-22073

Docket No. 16-HA00113

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Tracy Fredley, Associate Litigation Counsel ("Respondent"), and Billy D. Richardson, Jr. ("Licensee"), by and through his counsel, Mark Stafford with Simpson, Logback, Lynch, Norris P.A., 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: [REDACTED] Horton, Kansas 66439.
2. On or about February 15, 2016, Licensee submitted to the Board an application for change of designation/type for an active license to practice medicine and surgery. Such application was deemed complete and filed with the Board on June 28, 2016.
3. Licensee was issued an original license on or about December 4, 1987. Licensee has had an inactive license since on or about May 2, 2015.
4. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts. K.S.A. 65-2801 *et seq.*
5. 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

Consent Order

Billy D. Richardson, Jr., M.D.

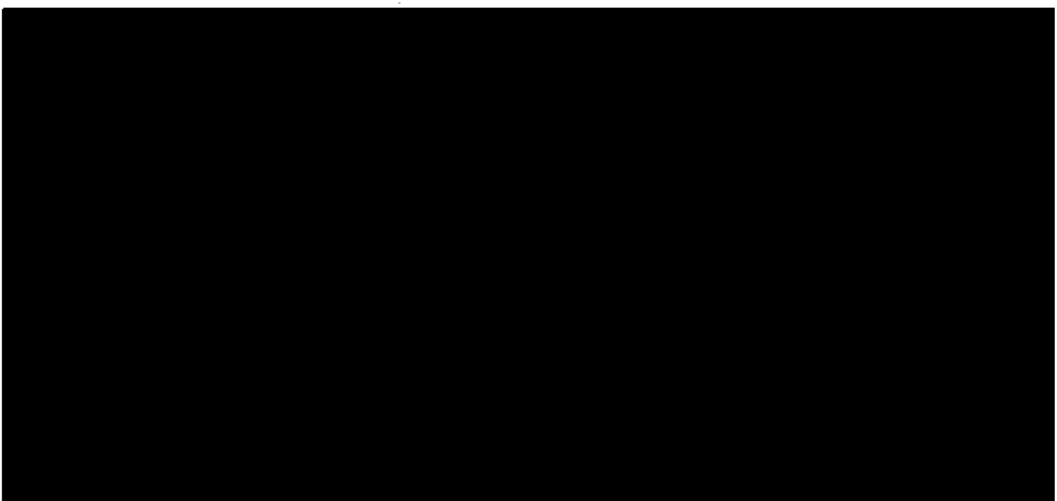
provided by K.S.A. 77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting 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 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. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-2836(i), to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

10.

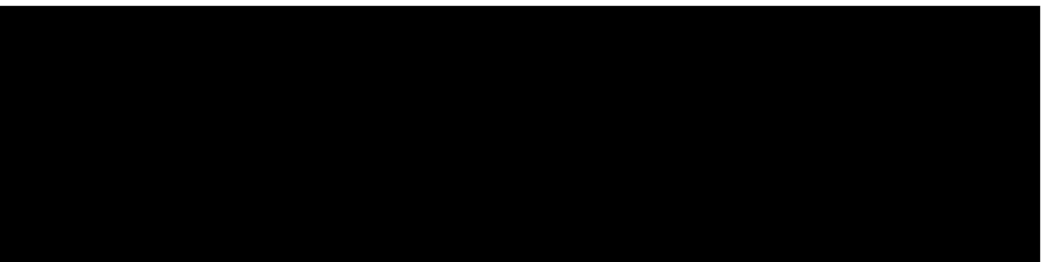


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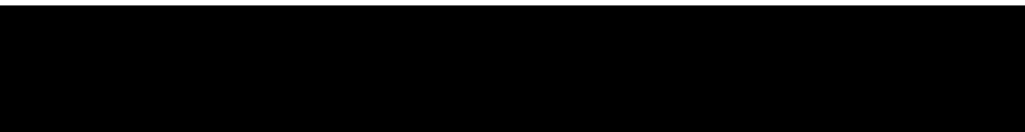


12. On or about September 17, 2014, the Board received a complaint that Licensee was prescribing copious amounts of narcotics to a coworker, who was not a patient of Licensee's. Licensee prescribed numerous narcotics between December 2012 and February 2014, including thirteen (13) prescriptions for various strengths of Oxycodone, and one (1) prescription for Hydrocodone.

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[REDACTED]

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19. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute

or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

20. Licensee's acts, if proven, constitute a violation under K.S.A. 65-2836. More specifically, Licensee violated K.S.A. 65-2836(i) because Licensee's ability to practice the healing arts with reasonable skill and safety to patients is impaired [REDACTED]

21. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's license to practice medicine and surgery.

22. According to K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

23. All pending investigation materials in KSBHA Investigative Case Number 16-00486; 15-00191; and 15-00532 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 30 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

24. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice medicine and surgery in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such

hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

25. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas 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 Kansas Healing Arts Act.

26. Licensee hereby releases the Board, its individual members (in their official and personal capacity), 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 Judicial Review Act, 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 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 Releasees.

27. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.
28. 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.
29. 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.
30. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings 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.
31. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
32. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

33. 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.

34. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final Order under K.S.A. 77-505. 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.

35. This Consent Order constitutes **public disciplinary action**.

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

37. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to practice medicine and surgery:

LIMITATIONS

38. The follow limitations shall be imposed on Licensee's license to practice medicine and surgery in the State of Kansas:

A. Limited access to on site drugs, with no access to controlled medications.

Licensee shall ensure that a structure is set up at the Clinic in which he works, to meet this requirement. [REDACTED]

[REDACTED]

- B. No solo practice. Licensee shall enter into a practice setting with at least one (1) other M.D. or D.O. present at the Clinic;
- C. No on-call time. "On-call" shall be defined as a continuous duty period between the periods of time that Licensee is not present at the Clinic for his regularly scheduled work hours; and
- D. Return to work part-time, slowly increasing time in increments of ten percent (10%). [REDACTED]
- [REDACTED]

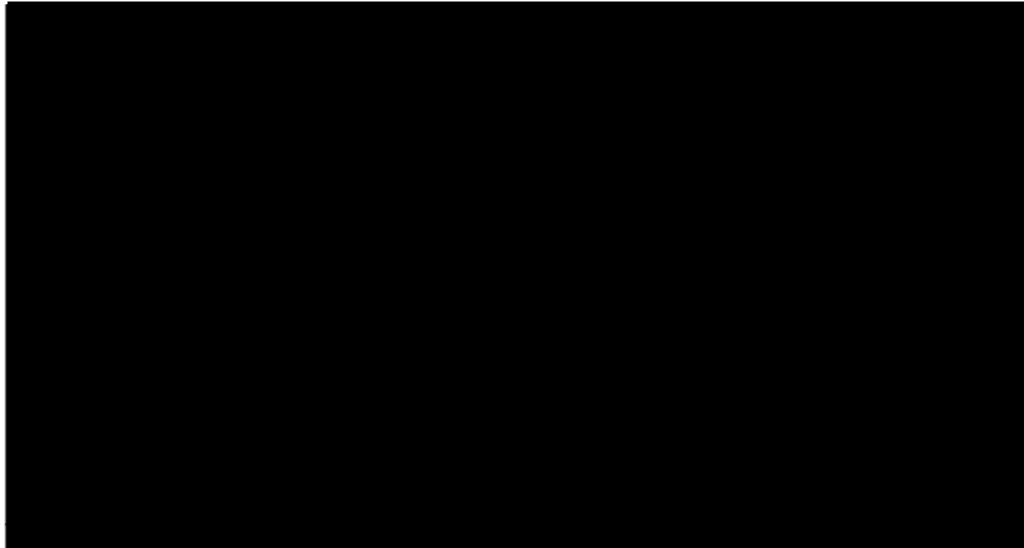
LIMITATIONS TIMEFRAME

39. The above limitations are not self-terminating. After a period of one (1) year, Licensee may request modification or termination of the limitation provisions. For any period of time that Licensee is not actively practicing medicine and surgery in Kansas, the limitations will remain in effect but will be tolled and not counted toward reducing the one (1) year timeframe.
40. Licensee shall have the burden to prove by clear and convincing evidence that he is clinically competent to practice independently with reasonable skill and safety to patients.

41. [REDACTED]

MONITORING

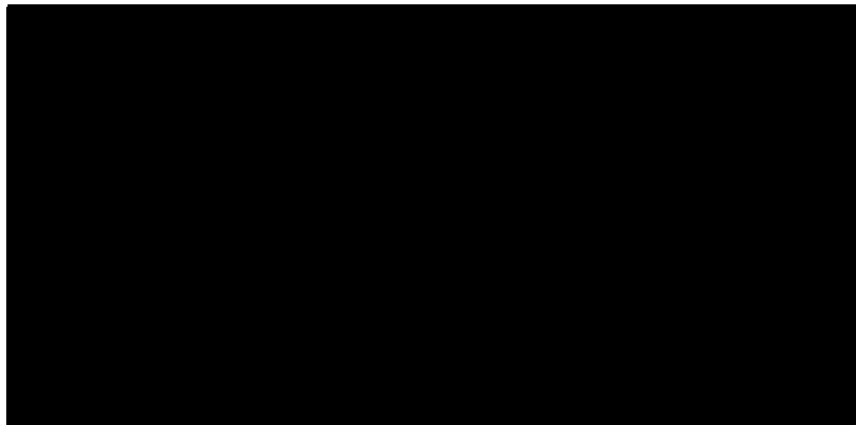
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A. The requirements of said contract, in order for Licensee to return to the practice of medicine, include, but are not limited to, the following:

- i. Strong structured environment;
- ii. Another physician must always be present;
- iii. Establish a structure for electronic call in prescriptions and written prescriptions;
- iv. Periodic check on K-Tracks to determine if Licensee seeks multiple providers and pharmacies;

v.



[REDACTED]

vi.

[REDACTED]

B.

[REDACTED]

i.

[REDACTED]

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47. Licensee shall immediately, within five (5) calendar days, notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other country, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

48. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

MONITORING TIMEFRAME

49. The above monitoring and treatment provisions are not self-terminating. The above monitoring and treatment provisions shall be for an indefinite period of time that is to continue in perpetuity. For any period of time that Licensee is not actively practicing medicine and surgery in Kansas, the monitoring and treatment provisions will remain in effect but will be tolled and not counted towards reducing the aforementioned timeframes.

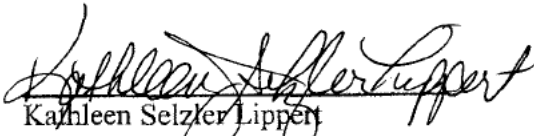
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

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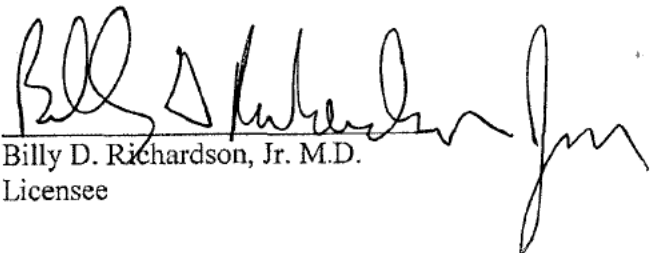
IT IS FURTHER ORDERED that upon meeting all technical requirements for licensure, Licensee shall be granted a license, pursuant to the conditions above.

IT IS SO ORDERED on this 21 day of Nov, 2016.

FOR THE KANSAS STATE
BOARD OF HEALING ARTS:

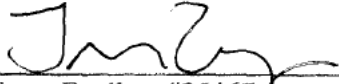

Kathleen Selzler Lippert
Executive Director

11/21/16
Date


Billy D. Richardson, Jr. M.D.
Licensee

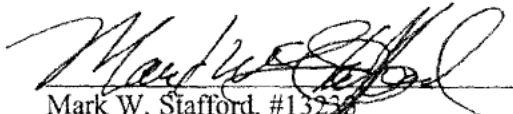
8/26/2016
Date

PREPARED AND APPROVED BY:



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Attorneys for Licensee

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Billy D. Richardson, Jr., M.D.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 22nd day of November, 2016, to the following:

Mark W. Stafford
Simpson, Logback, Lynch, Norris, P.A.
107 SW 6th Avenue, Suite 210
Topeka, KS 66604

And the original was hand-filed with:

Kathleen Selzler Lippert
Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

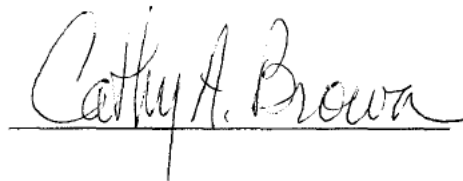
And a copy was hand-delivered to:

Tracy Fredley/Jane Weiler
Associate Litigation Counsel
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General Counsel's Office
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