

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

MAY 27 1998
HEALING ARTS

In the Matter of)
Gregory Schroff, M.D.) Case No. 98-00389
Application for Licensure in)
Medicine and Surgery)
_____)

JOURNAL ENTRY OF STIPULATION AND AGREEMENT AND ORDER

ON THIS twenty-fifth day of ^{April} ~~August~~, 1998, comes before the Kansas State Board of Healing Arts ("Board") the application for licensure of Gregory Schroff, M.D. ("Applicant"). Applicant appears in person. Stacy L. Cook, Associate Counsel, appears before the Board in opposition to the application. The parties stipulate to the following facts and agree, and the Board finds and order as follows:

1. The Board is the sole and exclusive administration 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.
2. Applicant admits that this Journal Entry of Stipulation and Agreement and Order and the filing of such document are in accordance with applicable law and that the Board has jurisdiction to consider the Stipulation.
3. Applicant agrees that the Kansas Healing Arts Act is constitutional on its face and as applied in this case.
4. Applicant agrees that, in considering this matter, the Board is not acting beyond its

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jurisdiction as provided by law.

5. The Board issued Applicant a postgraduate permit in 1988. Applicant has applied for a license to practice medicine and surgery in the State of Kansas. In seeking a license to practice medicine and surgery in the State of Kansas, Applicant agrees to the conditions and terms set forth herein.

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

7. Pursuant to K.S.A. 65-2836(j), there are grounds to deny Applicant's application for licensure, in that Applicant has had a license to practice the healing arts suspended and has had other disciplinary action taken by the proper licensing authority of another state. In May of 1997, the State of Washington Department of Health Medical Quality Assurance Commission ("MQAC") summarily limited Applicant's license by limiting his treatment to male patients only. On September 25, 1997, Applicant entered into a Agreed Order with MQAC, wherein Applicant's license was placed on probation and Applicant agreed to certain limitations on his license. There are further grounds to deny Applicant's application pursuant to K.S.A. 65-2836(s), in that sanctions have been taken against Applicant by a health care facility for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under the healing arts act. Sanctions were taken against Applicant for allegations of sexual misconduct with patients, which would constitute grounds for disciplinary action under the healing arts act, K.S.A. 65-2836(b), unprofessional conduct, as further defined by K.S.A. 2836(b)(16).

8. In consideration of the conditions, terms, covenants, and promises contained herein,

the parties agree and the Board orders as follows:

(a) In lieu of further formal proceedings, Applicant, by signature affixed to this Order, hereby voluntarily agrees to the following measures placed on his license to engage in the practice of medicine and surgery in the State of Kansas:

(i) Applicant must have a female chaperon present during his examination and treatment of all female patients. Applicant must keep a daily log of all appointments with females, signed by the chaperon.

(ii) Applicant shall not have any social contact with female patients.

Confidential

(iv) Applicant's practice shall be limited to his employment with the University of Kansas Department of Obstetrics/Gynecology and its affiliates.

(v) Applicant shall comply with all terms of his Physician Monitoring Contract

Confidential

(b) This Order constitutes a limitation on the Applicant's license to practice medicine and surgery in the State of Kansas. This limitation shall remain in effect for at least five years. At the end of five years, Applicant may request the termination of the limitation.

(c) Nothing in this Order is intended to prevent the subject matter of this Order from being used as evidence, in conjunction with any future violations by Applicant, of the disciplinary provisions of the Healing Arts Act.

(d) Applicant's failure to comply with the provisions of the Order may result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

(e) Nothing in this agreement shall be construed to deny the Board jurisdiction to investigate other alleged violations of the Healing Arts Act, to initiate formal proceedings based upon known or unknown allegations of the violations of the Healing Arts Act, or to investigate complaints received under the Kansas Risk Management Law, K.S.A. 65-4921 *et seq.* that are known or unknown to the Board at the present time.

(f) Applicant 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 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 Board, its employees or agents, arising out of acts leading to the execution of this Agreement or the content of this Agreement.

(g) Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record, and shall be reported to the National Practitioner Databank, Federation of State Medical Boards, and any other reporting entities requiring disclosure of this Order.

(h) This Agreement, 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. This Agreement shall become the Final Order of the Board when signed by the Executive Director of the Board.

(i) Applicant acknowledges that he has read this Journal Entry of Stipulation and Agreement and Order and fully understands the contents.

(j) Applicant acknowledges that this Journal Entry of Stipulation and Agreement and Order has been entered into freely and voluntarily.

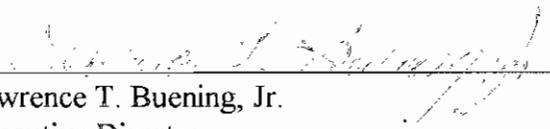
(k) All correspondence or communication between Applicant and the Board relating to this Stipulation shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Office of the Disciplinary Counsel, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

(l) Applicant 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 Order or may become effective subsequent to the execution of this document.

9. The Board finds that Exhibits 3, 4, and 5 include information that is confidential and privileged under Kansas law. A Protective Order is issued prohibiting further disclosure of these exhibits.

IN WITNESS WHEREOF, the parties have executed this agreement on this 11th day of May, 1998.

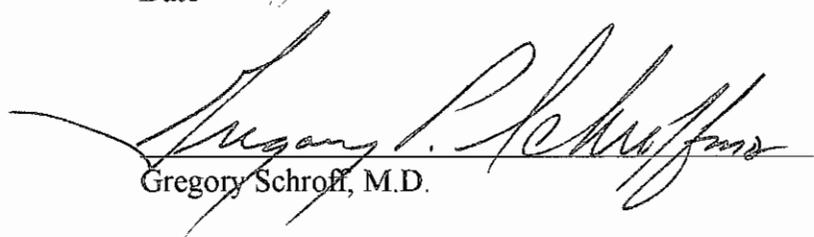
KANSAS STATE BOARD OF HEALING ARTS



Lawrence T. Buening, Jr.
Executive Director

5/11/98

Date



Gregory Schroff, M.D.

5-4-98

Date

Prepared By:



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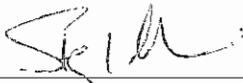
CERTIFICATE OF SERVICE

I, Stacy L. Cook, Associate Counsel, Kansas Board of Healing Arts, hereby certify that I served a true and correct copy of the JOURNAL ENTRY OF STIPULATION AND AGREEMENT AND ORDER by United States mail, postage prepaid, on this 8th day of May, 1998 to the following:

Gregory Schroff, M.D.
13314 S.E. 19th Street, #0-4
Vancouver, Washington 98683

and the original was hand-delivered to:

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



Stacy L. Cook