

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

MAR 15 1994

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
CHARLES EDWARD SCOTT, P.A.)
Applicant for Reinstatement)
_____)

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER

COMES NOW the Kansas State Board of Healing Arts ("Board") and Charles Edward Scott, P.A. ("Applicant") and stipulate and agree as follows:

1. The Board is the sole and exclusive administrative agency in the State of Kansas statutorily authorized to regulate the practice of the healing arts to include the practice of physicians' assistants pursuant to K.S.A. 65-2801 et seq.; K.S.A. 65-2896.

2. Applicant has made application to the Board for reinstatement of registration as a physician's assistant in the State of Kansas.

3. The Board has authority to issue a permanent registration to Applicant pursuant to K.S.A. 65-2896a.

4. Applicant was originally registered to practice as a physician's assistant in the State of Kansas on October 22, 1981. Applicant permitted his Kansas registration to lapse on December 31, 1990,

(confidential)

(confidential)

5. On July 5, 1984, Applicant and the Board entered into a

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER

Charles Edward Scott, P.A.

Stipulation

(confidential)

(confidential)

6. On June 25, 1990, Applicant and the Board entered into a second Stipulation due to notification Applicant had ceased to be employed by any responsible physician (confidential)

(confidential)

7. Based on the above information there is probable cause to believe grounds may exist for refusal to place Applicant's name on the register of physicians' assistants. Specifically, Applicant has not been employed as a physician's assistant at some time during the five years immediately preceding the date of his application for reinstatement pursuant to K.S.A. 65-2896b(a)(2).

8. It is the intent and purpose of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** ("Stipulation") to provide for settlement of all issues without the necessity of proceeding to a formal disciplinary hearing. By executing this Stipulation, Applicant waives all procedural and due process requirements afforded to him by the Kansas Administrative Procedure Act, K.S.A. 1992 Supp. 77-501 et seq.

9. 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 a Board-authorized signature is affixed on the last page of this document. Applicant's signature on this document creates a unilateral contract binding Applicant to all the terms and conditions set forth in this Stipulation, whether or not a Board-authorized signature is affixed to this document. Applicant acknowledges that counsel for the Board is not authorized to sign for nor bind the Board.

10. Applicant agrees this Stipulation and the filing of this 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 laws pertaining to physicians' assistants, K.S.A. 65-2896-2897b, as set forth by statute and as recited in this Stipulation, is constitutional on its face and as applied in this case.

11. Applicant agrees that the following conditions be placed upon his registration to engage in the practice of the healing arts as a physician's assistant:

a. (confidential)

(confidential)

b. (confidential)

(confidential)

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER

Charles Edward Scott, P.A.

(confidential)

c.

(confidential)

(confidential)

d. Applicant agrees his registration as a physician's assistant is limited to a federal active status. Applicant understands he may only represent himself as a physician's assistant while acting in the course of his federal employment.

e. Applicant agrees his ability to practice as a physician's assistant and his registration as a physician's assistant are limited to performing services under the supervision of his responsible physician, Jan Campbell, M.D., within the scope of his employment with the Department of Veteran's Affairs Medical Center.

f. Applicant agrees he shall not dispense, administer, or prescribe any substance listed in any schedule of the Uniform Controlled Substances Act.

g. Applicant agrees to immediately notify the Office of

the Disciplinary Counsel of the Board of any change of status of his employment.

12. This Stipulation shall be in effect for a period of at least three years effective the date a Board-authorized signature is placed on this Stipulation. Applicant may petition the Board for termination and/or modification of this Stipulation after the expiration of this time period.

13. 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 provision 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 registration to practice as a physician's assistant in which Applicant agrees not to contest, defend or challenge in any civil or administrative proceeding.

14. 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.

15. This Stipulation is entered into freely and voluntarily, and Applicant agrees he has read and understands this Stipulation.

16. Applicant 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. 1993 Supp. 77-601 et seq. This release shall forever discharge the Board of any 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. 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 contents of this Stipulation.

17. Applicant understands and agrees that this document shall be deemed a public record upon Applicant signing this Stipulation, whether or not a Board-authorized signature appears on same. Applicant further acknowledges this Stipulation will be reported as a limitation on Applicant's registration and will be reported as such to any reporting entity requiring disclosure of this Stipulation.

18. Nothing in this agreement shall be construed to deny the Board jurisdiction to investigate alleged 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 unknown or not covered under the conditions of this Stipulation, or past acts unknown to the Board or subsequent acts.

19. All correspondence or communication by Applicant to the Board shall be by United States mail, first class, postage prepaid, addressed to the Kansas State Board of Healing Arts, Attention: Office of the Disciplinary Counsel, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

20. Upon execution of this Stipulation by the affixing of 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) without further order. 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 15th day of March, 1994.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR.
Executive Director

March 15, 1994
Date

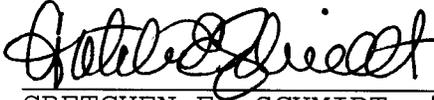

CHARLES EDWARD SCOTT, P.A.
Applicant

March 15, 1994
Date

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER

Charles Edward Scott, P.A.

Prepared and Approved by:



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, certify that on this 16th day of March, 1994, a true and correct copy of the above **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** was deposited in the United States mail, first class, postage prepaid, addressed to the following:

Charles E. Scott, P.A.
1134 Garfield
Topeka, Kansas 66606

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

a:scott.stp (lj)

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER
Charles Edward Scott, P.A.

RECEIVED

JUN 25 1990

S T I P U L A T I O N

**KANSAS STATE BOARD OF
HEALING ARTS**

THIS AGREEMENT made and entered into this 25th day of June, 1990, by and between the KANSAS STATE BOARD OF HEALING ARTS (hereafter "Board") and CHARLES EDWARD SCOTT, RPA (hereafter "Registrant").

WITNESSETH:

WHEREAS, Registrant's name is presently on the register of Physicians' Assistants maintained by the Board and has been issued registration number 15-161 which is current for the period ending December 31, 1990; and

WHEREAS, the Board has received notification Registrant has ceased to be employed by any responsible physician; and

WHEREAS, (confidential)

(confidential)

WHEREAS, in order for Registrant to again be employed by a responsible physician, the proposed responsible physician would be required to submit a request to the Board; and

WHEREAS, the Board could remove Registrant's name from the register of Physicians' Assistants if Registrant seeks to obtain a new responsible physician and, after appropriate proceedings under the Kansas Administrative Procedure Act, the Board determines the request by the proposed responsible physician should not be approved; and

WHEREAS, in lieu of any further proceedings at this time, the parties desire to enter into this Stipulation.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, the parties hereto agree as follows:

1. (confidential)

(confidential)

2. (confidential)

(confidential)

3. Registrant agrees not to provide patient services under the direction and supervision of a physician or to seek to obtain a new responsible physician until such time as he has completed the conditions placed upon his Physicians' Assistants registration as specified herein.

4. (confidential)

(confidential)

(confidential)

5.

(confidential)

(confidential)

(confidential) Registrant shall complete a program to assess his clinical competency recommended by the Physicians' Assistant Counsel and approved by the Board. The program may require college course instruction, clinical study, apprenticeship and/or completion of the examination required for registration, as may be determined at that time by the Board.

6. While Registrant remains in compliance with the Stipulation, the Board will not remove Registrant's name from the register of Physicians' Assistants it maintains. Provided, however, to keep his registration current, Registrant will be required to renew his registration annually in accordance with the requirements of the Board pertaining to renewals.

7. Upon completion

(confidential)

(confidential)

and

any program approved by the Board to assess Registrant's clinical competency, Registrant may be allowed to seek a new responsible physician and the Board will give any request submitted by the proposed responsible physician due consideration.

8. By executing this Stipulation, Registrant waives all procedural and due process requirements afforded to him by the Kansas Administrative Procedure Act.

9. It is further understood and agreed 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 or understandings not set forth herein.

10. It is understood and agreed this Stipulation shall not become effective until the Board as a whole has approved the same. Upon approval by the Board and issuance of an Enforcement Order in accordance herewith, the Stipulation shall remain in full force and effect until modified, amended or rescinded by the Board. Provided, however, should Registrant strictly adhere and comply with the terms and provisions herein, Registrant 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.

IN WITNESS WHEREOF, the parties hereto have executed this Stipulation on the date indicated below their signature, it being specifically 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



FRANKLIN BICHLMEIER
President "Board"

6-22-90

DATE

Charles E. Scott RPA

CHARLES EDWARD SCOTT, RPA
"Registrant"

May 16, 1990

DATE

Prepared and Approved by:

Lawrence T. Buening, Jr.

LAWRENCE T. BUENING, JR.
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603
(913) 296-7413