

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

In the matter of )  
 )  
**TIMOTHY R. SCOTT, M.D.** )  
Kansas License #4-24452 )  
 )  
\_\_\_\_\_ )

**FILED**  
**AUG 28 1997**  
**KANSAS STATE BOARD OF  
HEALING ARTS**

**FINAL ORDER FOLLOWING CONFERENCE HEARING**

**NOW**, on this 16th day of August, 1997, comes before the Kansas Board of Healing Arts (hereinafter referred to as "Board") the request of Timothy R. Scott, M.D. (hereinafter "Applicant") to set aside the Default Order.

Applicant appeared in person and without counsel. Kevin K. LaChance, Disciplinary Counsel, appeared for the Board.

After reviewing the file, hearing statements and being otherwise duly advised in the premises, the Board finds as follows:

1. A Notice of Conference Hearing was issued on June 12, 1997. Applicant failed to appear before the Board at the June 29, 1997 Board Meeting. A Proposed Default Order was issued July 8, 1997 which denied the applicants request for approval of the Application for Reinstatement.
2. Applicant did not receive the Notice of Hearing. The failure to receive the notice was not due to inexcusable neglect or other fault of Applicant.

3. Applicant verbally accepts the limitations stated in the Stipulation Agreement and Order dated May 1, 1997 as being applicable to his license upon reinstatement.

**IT IS THEREFORE ORDERED** as follows:

(a) The Default Order is set aside.

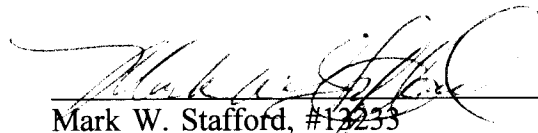
(b) Application for reinstatement is **GRANTED**.

(c) The proposed Stipulation and Agreement, which was entered May 1, 1997, on a temporary basis, a copy of which is attached hereto and incorporated by reference, is adopted as the order of the Board and made applicable to reinstated license.

**IT IS SO ORDERED.**

**DATED** this 28<sup>th</sup> day of August, 1997.

KANSAS STATE BOARD OF HEALING ARTS

  
\_\_\_\_\_  
Mark W. Stafford, #12233  
General Counsel

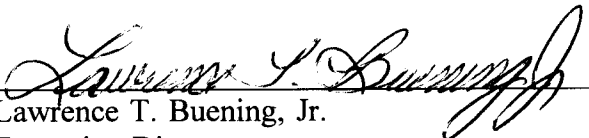
**CERTIFICATE OF SERVICE**

I, Lawrence t. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 28<sup>th</sup> day of August, 1997, a copy of the above and foregoing **FINAL ORDER FOLLOWING CONFERENCE HEARING** was deposited in the United States mail, first class postage prepaid, to the following:

Timothy R. Scott, M.D.  
801 W. 8th Street  
P.O. Box 1057  
Coffeyville, KS 67337-0911

and a copy was hand-delivered to:

Kevin K. LaChance  
Disciplinary Counsel  
235 S. Topeka Blvd.  
Topeka, KS 66603

  
Lawrence T. Buening, Jr.  
Executive Director  
Kansas Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603  
(913) 296-7413

**FILED**

**MAY 01 1997**

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

**KANSAS STATE BOARD OF  
HEALING ARTS**

IN THE MATTER OF )  
 )  
TIMOTHY R. SCOTT. M.D. )  
Kansas License No. 04-24452(Cancelled) )  
\_\_\_\_\_ )

Case # 97-00170

STIPULATION AND AGREEMENT  
AND ENFORCEMENT ORDER

**COMES NOW**, the Kansas State Board of Healing Arts ("Board") by and through Kevin K. LaChance, Disciplinary Counsel ("Petitioner"), and Timothy R. Scott, M.D. ("Applicant"), and stipulate and agree as follows:

1. 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. Applicant admits that this Stipulation and Agreement and Enforcement Order ("Stipulation") and the filing of such document are in accordance with the requirements of law; that the Board has jurisdiction to consider the Stipulation and is lawfully constituted to consider this matter to include consideration of this Stipulation. Applicant further notes that the Kansas Healing Arts Act is constitutional on its face and as applied in this case. Applicant further acknowledges that the Board, acting in this matter, is not acting beyond the jurisdiction referred to it by any provision of law.

2. Applicant is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued license number 04-26115 on February 17, 1996. On or About August 15, 1994, Applicant's license to practice the healing arts in the state of Kansas was cancelled for failure to renew. On or about January 2, 1997, Applicant made application to reinstate his license to practice medicine and surgery.

3. The Board has received information, has investigated such information, and has reasonable cause to believe that Applicant has committed certain acts in violation of the Healing Arts Act. K.S.A. 65-2801 et seq; K.S.A. 65-2836. It is alleged Applicant violated K.S.A. 65-2836(u), in that Licensee surrendered his privileges at a hospital and/or a clinic while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under the Healing Arts Act. It is further alleged Applicant violated K.S.A. 65-2836(b), unprofessional conduct, as further defined by K.S.A. 65-2837(b)(23), in that Applicant prescribed prescription drugs or substances, including controlled substances, in an excessive, improper, or inappropriate manner or quantity. The Board states, if a hearing were held, it would present substantial evidence in an administrative hearing in support of its allegations. Licensee neither confirms nor denies the allegations.

4. Such acts or conduct as alleged by the Board as set forth above could constitute grounds for denial of reinstatement of licensure by the Board pursuant to the cited provisions of the Healing Arts Act. Under the provisions of K.S.A. 65-2838(a), the Board has jurisdiction to deny licensure if an applicant to the Board has engaged in any commissions or omissions to bring applicant within the purview of K.S.A. 65-2836. Under the provisions of K.S.A. 65-2838(b), the Board has authority to enter into this Stipulation without the necessity of proceeding to a formal hearing. Applicant voluntarily and affirmatively waives his right to a hearing pertaining to any matter under the jurisdiction of the Board regarding his application for reinstatement of license to engage in the practice of medicine and surgery. Applicant voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, to conduct such cross-examination of witnesses as may be

desired and to waive any and all substantive and procedural motions and defenses that could be raised if an administrative hearing would be held.

The terms and conditions of the Stipulation 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 Stipulation shall not be binding on the Board until an authorized signature is affixed at the end of this document. Upon signature by Applicant to this document, it shall be deemed a unilateral contract and agreement and shall bind Applicant to the terms and conditions set forth in the Stipulation whether or not the Board's signature is affixed to the document. Applicant specifically acknowledges that counsel for the Board is not authorized to sign for nor bind the Board.

5. In consideration of the conditions, terms, covenants, and promises contained herein, the parties agree as follows:

a) In lieu of the commencement of formal proceedings and/or the making of findings by the Board, Applicant, by signature attached to this Stipulation, hereby voluntarily agrees to the following disciplinary measures placed on his license to engage in the practice of medicine and surgery in the State of Kansas:

i) Applicant agrees his license to practice medicine and surgery in the state of Kansas is hereby limited in that Applicant may not prescribe any substance to a member of his family for a period of at least one year. A family member is any person related to Applicant by blood, marriage, or adoption. Applicant agrees that after the one year period has elapsed, Applicant may apply for termination of this limitation, and that Applicant has the burden of showing the Board by clear and convincing evidence that termination would be appropriate.

ii) Applicant agrees and understands he shall be granted a reinstatement of his cancelled license which will expire on June 21, 1997,

or after Board consideration of this Stipulation, whichever occurs first. Applicant agrees and understands the dated administrative reinstatement of his cancelled licensure does not create a property right of any kind, and the reinstatement is performed subject to review by the Board. If the Board accepts this Stipulation, the reinstatement will remain in place. If the Board rejects this Stipulation, the reinstatement will expire and other action(s) may occur.

b) Applicant's failure to comply with the provisions of the Stipulation will result in the Board taking disciplinary action as the Board deems appropriate in compliance with the Kansas Administrative Procedure Act and/or the terms of this Stipulation.

c) 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 Risk Management Law, K.S.A. 65-4921 et seq, that are unknown and are not covered under the conditions of this Stipulation, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act, including the information which provides the basis for this Stipulation.

d) This Stipulation constitutes the entire agreement between the parties and may only be modified and/or amended by a subsequent document executed in the same manner by the parties.

e) Applicant acknowledges that he has read this Stipulation and fully understands its contents. Applicant acknowledges that this Stipulation has been entered in freely and voluntarily given.

f) Applicant releases the Board, its employees and agents, from all claims to mean those damages, actions, liabilities and causes of actions, 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 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 Stipulation and Agreement or the contents of this Stipulation and Agreement.

g) Applicant acknowledges that this document shall be deemed a public disciplinary record upon Applicant's signing this document. Applicant further acknowledges this action is reportable to the National Practitioner Data Bank and the Federation of State Medical Boards and other reporting agencies.

h) Applicant authorizes Petitioner and Disciplinary Panels to present this Stipulation to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, even if Applicant is not present.

6. All correspondence or communication between Applicant and the Board shall be by certified mail addressed to: Kansas State Board of Healing Arts, ATTENTION: Disciplinary Counsel, 235 S. Topeka Boulevard, Topeka, Kansas 66603-3068.

7. 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 Stipulation and Agreement or may become effective subsequent to the execution of this document.

8. Applicant has an affirmative duty to notify the Board of changes in his personal professional status which would inhibit compliance with the above conditions in this Stipulation.

9. 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 under K.S.A. 65-2838. This Stipulation shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

IN WITNESS WHEREOF, the parties have executed this agreement on the

1st day of May, 1997.

KANSAS STATE BOARD OF HEALING ARTS

Lawrence T. Buening, Jr.  
Lawrence T. Buening, Jr.  
Executive Director

May 1, 1997  
Date

X Timothy R. Scott, M.D.  
Timothy R. Scott, M.D.  
Applicant

X April 18, 1997  
Date

Prepared and Approved As To Form By:

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Kevin K. LaChance, #15058  
Disciplinary Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068  
(913) 296-2075