

**FILED**

JUN 4 2002

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

**KANSAS STATE BOARD OF  
HEALING ARTS**

In the Matter of )  
 )  
MICHAEL REED SIMMONS, M.D. )  
Kansas License No.4-24193 )  
\_\_\_\_\_ )

Docket No. 02-HA-55

**CONSENT ORDER**

COME NOW, the Kansas State Board of Healing Arts ("Board") by and through Stacy L. Cook, Litigation Counsel ("Petitioner"), and Michael R. Simmons, M.D. ("Licensee"), by and through legal counsel Patrick G. Reavey, 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 307 N. Hospital Drive, Suite 3, Girard, Kansas 66743.
2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 4-24193 on August 15, 1992. At all times relevant to the allegations set forth below, Licensee has held a current license to engage in the practice of medicine and surgery in the State of Kansas, having last renewed his license on June 18, 2001.
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. 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 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 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. Beginning in approximately August of 1994, Licensee was providing general medical treatment and care to Individual #1.

10. In approximately March of 2001, and while there existed a physician-patient relationship between Individual #1 and Licensee, Licensee had a sexual relationship with Individual #1.

11. Beginning in approximately June of 1995, Licensee was providing general medical treatment and care to Individual #2.

12. From approximately October of 1995 until approximately November of 1999, Individual #2 was also a registered nurse employed by Licensee in his medical clinic.

13. The Board claims that from approximately March of 1996 until approximately November of 1999, and while there existed a physician-patient relationship between Individual #2 and Licensee and while Individual #2 worked in Licensee's clinic, Licensee had a sexual relationship with Individual #2. Licensee admits the sexual relationship occurred, but claims that the relationship was from May of 1996 through November of 1998.

14. Beginning approximately October of 1996, Individual #3 was employed as a registered nurse at Girard Hospital in Girard, Crawford County, Kansas.

15. While Individual #3 was employed as a registered nurse at Girard Hospital, Licensee had privileges and provided medical care and treatment to patients at Girard Hospital in Girard, Crawford County, Kansas.

16. During part of the time in 1999 that Individual #3 was a registered nurse at Girard Hospital and Licensee practiced at Girard Hospital, Licensee had a sexual relationship with Individual #3.

17. Pursuant to K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837(b)(16), the Board has authority to revoke, suspend, censure or otherwise limit Licensee's license.

18. 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.

19. In lieu of the conclusion of formal proceedings, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary measures and limitations placed on his license to engage in the practice of medicine and surgery:

- a. Licensee's license shall be suspended for a period of thirty (30) days. Such suspension will be in effect from June 1, 2002 through and including June 30, 2002.
- b. Licensee shall be censured by the Board for engaging in an inappropriate relationship with three individuals.
- c. Licensee agrees to pay a fine to the Board in the amount of \$5,000.00. Such fine may be payable in monthly installments of \$1,000.00. The first payment is due August 1, 2002, and all subsequent payments are due by the first day of the month. The total amount of the fine must be paid on or before December 1, 2002.
- d. Licensee agrees to pay the costs in this matter which shall not exceed \$500.00.

- e. Licensee shall attend and successfully complete the three-day course at Vanderbilt University Medical Center entitled "Maintaining Proper Boundaries." The course will be at Licensee's expense, <sup>SLC</sup> ~~and shall be completed by October 31, 2002.~~ Licensee must provide proof to the Board by December 1, 2002 of his attendance and successful completion of the course.
- f. **(Confidential)**

- g. Licensee shall have a chaperone present for all examinations of female patients. Licensee shall keep a log of all female patients seen each day and have the chaperone initial or sign to certify that the chaperone was present during the examinations.

20. This Consent Order constitutes disciplinary action.

21. Licensee's failure to comply with the provisions of the Consent Order will result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

22. 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.

23. Licensee hereby releases the Board, its individual members (in their official and personal capacities), 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 Act for Judicial Review and Civil Enforcement of Agency Actions, 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.

24. Licensee further understands and agrees that upon signature by Licensee, 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 Consent Order.

25. 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.

26. 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.

27. Licensee, by signature to this document, waives any objection to the participation of the Board members in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

28. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

29. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

30. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Stacy L. Cook, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

31. 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.

32. 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.

33. 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.

**IT IS FURTHER ORDERED** that:

- a. Licensee's license shall be suspended for a period of thirty (30) days. Such suspension will be in effect from June 1, 2002 through and including June 30, 2002.
- b. Licensee is censured by the Board for engaging in an inappropriate relationship with three individuals.
- c. Licensee shall pay a fine to the Board in the amount of \$5,000.00. Such fine may be payable in monthly installments of \$1,000.00. The first payment is due August 1, 2002, and all subsequent payments are due by the first day of the month. The total amount of the fine must be paid on or before December 1, 2002.
- d. Licensee agrees to pay the costs in this matter which shall not exceed \$500.00.



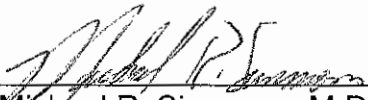
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- f. **(Confidential)**
- g. Licensee shall have a chaperone present for all examinations of female patients. Licensee shall keep a log of all female patients seen each day and have the chaperone initial or sign to certify that the chaperone was present during the examinations.

IT IS SO ORDERED on this 4<sup>th</sup> day of June, 2002.

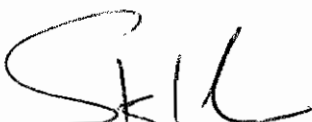
**FOR THE KANSAS STATE  
BOARD OF HEALING ARTS:**

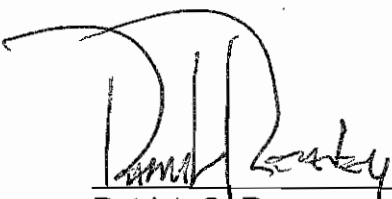
  
Lawrence T. Buening, Jr.  
Executive Director

**AGREED TO BY:**

  
\_\_\_\_\_  
Michael R. Simmons, M.D.                      6/1/02                      Date

**PREPARED AND APPROVED BY:**

  
\_\_\_\_\_  
Stacy L. Cook                      #16385  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065  
(785) 296-7413

  
\_\_\_\_\_  
Patrick G. Reavey  
Desoto City Hall  
32905 W. 84<sup>th</sup> St., P.O. Box C  
Desoto, KS 66018  
(Attorney for Licensee)

**CERTIFICATE OF SERVICE**

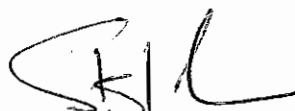
I, Stacy L. Cook, do hereby certify that I served a true and correct copy of the **CONSENT ORDER** by United States mail, postage prepaid, on this 4<sup>th</sup> day of June, 2002 to the following:

Michael R. Simmons, M.D.  
307 N. Hospital Drive, Suite 3  
Girard, Kansas 66743

Patrick G. Reavey  
Desoto City Hall  
32905 W. 84<sup>th</sup> St., P.O. Box C  
Desoto, KS 66018  
(Attorney for Licensee)

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

  
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Stacy L. Cook