

JUN 07 2019

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

KS State Board of Healing Arts

In the Matter of
MICHAEL REED SIMMONS, M.D.

Kansas License No. 04-24196

Docket No. 19-HA00024

FINAL ORDER OF REVOCATION BY SURRENDER

On April 10 and May 1, 2019, hearings were held before the presiding officer, a member of the agency head appointed pursuant to K.S.A. 77-514(g) by the Kansas State Board of Healing Arts ("Board"), on the emergency temporary suspension that was issued in this case on March 22, 2019. Michael Reed Simmons, M.D. ("Licensee") appeared in person and by counsel, Mark Stafford. Disciplinary counsel for the Board, Reese Hays, and litigation counsel for the Board, Courtney Manly, appeared to present the case in support of continuation of the emergency suspension on behalf of the disciplinary panel of the Board ("Petitioner").

Based on the agency record, including but not limited to the pleadings, motions, briefs, and exhibits filed in connection with this case, as well as the testimony, evidence, admissions, stipulations, and arguments presented at the hearings on April 10 and May 1, 2019, the presiding officer makes the following findings, conclusions, and orders.

1. At the May 1, 2019 hearing, Licensee voluntarily surrendered his license to practice medicine and surgery in Kansas.
2. Licensee admitted all allegations contained in the Petition filed in this matter on August 31, 2018 (incorporated here by reference), with the exception that Licensee did not affirmatively admit, but did not actively dispute, the following paragraphs of the Petition: 16, 17, 19-22, 25, 26, 49-51, 60, 62, 64(a), 64 (b), 64(c), 65, 66, 81(a), 81(b), 81(c), 81(e), 82, 83, 92-94, 99-101, 103, 106, and 107.
3. Prior to and at the hearing, and after consultation with his legal counsel, Licensee was fully advised of his rights, including but not limited to his right to a formal hearing, to dispute all allegations in the Petition and other pleadings and filings in this matter, to present evidence, and to otherwise dispute all allegations made against him in this case. Being reminded of these rights at the hearing, Licensee waived all rights to dispute the Petition and all associated rights to appeal under the Kansas Administrative Procedure Act and the Kansas Judicial Review Act.
4. Licensee was advised, and stipulated that, if his surrender was accepted, his license would be revoked pursuant to his surrender. Licensee stipulated that his surrender would be treated as a revocation for all purposes, including but not limited to reporting and any future application for reinstatement pursuant to K.S.A. 65-2844.

5. The presiding officer accepted Licensee's surrender of his license based on the entire agency record, including but not limited to the stipulations described above, and therefore ordered the same **to be treated as a revocation for all purposes**, including but not limited to reporting and any future application for reinstatement pursuant to K.S.A. 65-2844.

6. The parties agreed that costs would be assessed against Licensee, and that the Petitioner would be permitted to file a statement of the costs of the proceeding within 7 days of receipt of the transcript of the May 1, 2019 hearing. The parties agreed that Licensee would be permitted to file any objection or response to the statement of costs within 7 days after Petitioner filed the statement of costs.

7. A statement of costs was timely filed on May 10, 2019, and is incorporated here. Licensee filed no objection or response to the statement of costs. The presiding officer finds the costs described therein reasonable and appropriate to be assessed against Licensee pursuant to K.S.A. 65-2846 and the stipulations above. Based on the agency record and the facts, conclusions, and stipulations described above, the presiding officer assesses costs in the amount of \$5,847.60 against the Licensee.

8. The presiding officer is a member of the agency head, appointed pursuant to K.S.A. 77-514(g), and therefore this Order constitutes the final order of the Board, pursuant to K.S.A. 77-526(a).

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's licensee, Kansas License No. 04-24196, is **REVOKED** pursuant to licensee's surrender.

IT IS FURTHER ORDERED that Respondent is hereby ordered to pay **COSTS** in the amount of **\$5,847.60**. These costs shall be paid in full within 30 days of the filing of this Final Order, or, in the alternative, Respondent may submit a proposed payment schedule for Board consideration and approval. Payment shall be submitted to the attention of: Compliance Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson Street, Lower Level, Suite A, Topeka, Kansas 66612.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS

/s/ Tucker Poling, KS #23266, for
Robin Durrett, D.O.
Presiding Officer

NOTICE REGARDING DUTY TO MAINTAIN PATIENT RECORDS

PLEASE TAKE NOTICE that pursuant to K.A.R. 100-24-2, you are required to maintain each of your patients' records for a minimum of 10 years from the last date of service. Because you cannot actively practice, K.A.R. 100-24-3 requires that you notify the Board on or before June 11, 2018, of the location of your patients' records, the name of the designated agent to maintain the records, along with the telephone number and mailing address of the agent. If you will be maintaining the records yourself, you shall give your contact information instead. This information will be provided to former patients who contact the Board to inquire as to the location of their records. You should also be aware that if you are unable or refuse to allow patients access to their records, the Board may petition the court for appointment of a custodian of the records pursuant to K.S.A. 65-28,128.

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Order was served this 24th day of June, 2019 by depositing the same in the United States Mail, first-class postage prepaid, and emailing the same, and addressed to:

Mark Stafford
Forbes Law Group, LLC
6900 College Blvd., Suite 840
Overland Park, KS 66211
mstafford@forbeslawgroup.com
Attorney for Licensee

Michael R. Simmons, MD
[REDACTED]
[REDACTED]
Licensee

And copies were delivered to:

Susan R. Gering, Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Ste A
Topeka, KS 66612

And a copy was given to:

Robin Durrett, D.O.
KSBHA Presiding Officer
Kansas State Board of Healing Arts

and the original was filed with the office of the Executive Director.

Amber Shauer