

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

In the Matter of )  
 )  
**Lori L. Stonehocker, D.O.** )  
Kansas License No. 05-25310 ) Docket No. 04-HA-59  
\_\_\_\_\_ )

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts (“Board”) by and through Stacy L. Cook, Litigation Counsel (“Petitioner”), and Lori L. Stonehocker, (“Licensee”), by and through legal counsel, Michael E. Francis, and move the Board for approval of a Consent Order affecting Licensee’s license to practice osteopathic 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 Rural Route 2, Box 117, Franklin, Nebraska, 68939.
2. Licensee is or has been entitled to engage in the practice of osteopathic medicine and surgery in the State of Kansas, having been issued License No. 5-25310 on August 13, 1994.
3. On or about April 19, 2004, the Board filed a Petition against Licensee’s license.
4. At all times relevant to the allegations set forth in the Petition, Licensee has held a current license to engage in the practice of osteopathic medicine and surgery in the State of Kansas, having last renewed her license on September 29, 2003. Licensee’s current license status is exempt.

5. 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 osteopathic medicine and surgery. K.S.A. 65-2801 *et seq.*; K.S.A. 65-2869.

6. 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.

7. The Kansas Healing Arts Act is constitutional on its face and as applied in this case and Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

8. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her 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.

9. 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.

10. Petitioner has alleged that Licensee's treatment of twenty-four (24) patients deviated from the applicable standard of care. In addition, Petitioner has alleged that Licensee prescribed controlled substances and other medications to patients in an excessive, improper manner, or quantity and failed to keep written medical records which accurately describe the services rendered to the patients. The specific allegations are set forth in the Petition.

11. Licensee, for the sole purpose of this Consent Order and without admitting any liability or wrongdoing, acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the healing arts act with respect to the allegations contained in the Petition. Licensee further waives her right to dispute or otherwise contest the allegations contained in the Petition in any future proceeding before this Board.

12. 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.

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

- (a) Licensee shall be prohibited from prescribing controlled substances for at least five (5) years. Prior to terminating this provision, Licensee has the burden of demonstrating she is clinically competent to prescribe controlled substances in her practice. For any period of

time that Licensee is not actively practicing in Kansas, this limitation will remain in effect but will be tolled and not counted towards reducing the five-year timeframe for the prohibition;

- (b) Licensee is prohibited from treating patients for chronic pain. Licensee must refer all patients who present to her for treatment of chronic pain or develop the need for the same in the course of an ongoing treatment relationship;
- (c) Licensee is prohibited from practicing in a solo practice;
- (d) Licensee shall complete a clinical skills assessment at the Center for Personalized Education for Physicians (“CPEP”) in Aurora, Colorado within ninety (90) days of the Board’s approval of this Consent Order. If Licensee shows for good cause and the Board or the Board’s designee approves, this timeframe may be extended to one-hundred twenty (120) days. Licensee shall follow and complete all recommendations by CPEP, if any are made. Licensee shall bear the expense of the clinical skills assessment and completing any recommendations;
- (e) Both parties may provide relevant information to CPEP for consideration as part of the clinical skills assessment. In order to permit the Board to provide such relevant information, Licensee shall immediately notify Board Counsel of the assessment dates once the assessment is scheduled. Both parties will be provided a copy of the draft Assessment Report for their review. Licensee shall complete

any necessary waiver/release so that the Board may receive a copy of the draft Assessment Report for review. However, CPEP will issue its formal Assessment Report, in accordance with its internal policies. Licensee agrees that in any future proceedings before the Board, the Assessment Report shall be admissible as evidence without requiring CPEP's Medical Director to appear as a witness to either provide an evidentiary foundation for the Report or to provide substantive testimony relating to the Report's testing procedures, opinions and/or conclusions.

- (f) Until such time as Licensee has completed the CPEP evaluation and followed all CPEP recommendations, Licensee shall maintain a license in Kansas and timely submit complete renewal applications each year. If Licensee fails to maintain a license and timely submit complete renewal applications, the Board shall revoke her license prior to cancellation of the same;
- (g) Within sixty (60) days of the Board's approval of this Consent Order, Licensee shall complete a record-keeping course approved by the Board or the Board's designee. Licensee shall bear the expense of the course and must provide the Board with proof of completion; and
- (h) Licensee shall pay the Board costs in this matter in the amount of \$5,000.00, payable to the Board in full on or before December 16, 2004.

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

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

20. Licensee, by signature to this document, waives any objection to the participation of the Board members including the Disciplinary Panel, 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.

21. Licensee acknowledges that she has read this Consent Order and fully understands the contents.

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

23. 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.

24. Licensee shall obey all federal, state and local laws and rules governing the practice of osteopathic 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.

25. 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.

26. Licensee agrees that 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 in lieu of the conclusion of formal proceedings, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action and limitations placed on her license to engage in the practice of osteopathic medicine and surgery in Kansas:

- (a) Licensee shall be prohibited from prescribing controlled substances for at least five (5) years. Prior to terminating this provision, Licensee has the burden of demonstrating she is clinically competent to prescribe controlled substances in her practice. For any period of time that Licensee is not actively practicing in Kansas, this limitation



will remain in effect but will be tolled and not counted towards reducing the five-year timeframe for the prohibition; Licensee is prohibited from treating patients for chronic pain. Licensee must refer all patients who present to her for treatment of chronic pain or develop the need for the same in the course of an ongoing treatment relationship;

- (b) Licensee is prohibited from practicing in a solo practice;
- (c) Licensee shall complete a clinical skills assessment at the Center for Personalized Education for Physicians (“CPEP”) in Aurora, Colorado within ninety (90) days of the Board’s approval of this Consent Order. If Licensee shows for good cause and the Board or the Board’s designee approves, this timeframe may be extended to one-hundred twenty (120) days. Licensee shall follow and complete all recommendations by CPEP, if any are made. Licensee shall bear the expense of the clinical skills assessment and completing any recommendations;
- (d) Both parties may provide relevant information to CPEP for consideration as part of the clinical skills assessment. In order to permit the Board to provide such relevant information, Licensee shall immediately notify Board Counsel of the assessment dates once the assessment is scheduled. Both parties will be provided a copy of the draft Assessment Report for their review. Licensee shall complete any necessary waiver/release so that the Board may receive a copy

of the draft Assessment Report for review. However, CPEP will issue its formal Assessment Report, in accordance with its internal policies. Licensee agrees that in any future proceedings before the Board, the Assessment Report shall be admissible as evidence without requiring CPEP's Medical Director to appear as a witness to either provide an evidentiary foundation for the Report or to provide substantive testimony relating to the Report's testing procedures, opinions and/or conclusions.

- (e) Until such time as Licensee has completed the CPEP evaluation and followed all CPEP recommendations, Licensee shall maintain a license in Kansas and timely submit complete renewal applications each year. If Licensee fails to maintain a license and timely submit complete renewal applications, the Board shall revoke her license prior to cancellation of the same;
- (f) Within sixty (60) days of the Board's approval of this Consent Order, Licensee shall complete a record-keeping course approved by the Board or the Board's designee. Licensee shall bear the expense of the course and must provide the Board with proof of completion; and
- (g) Licensee shall pay the Board costs in this matter in the amount of \$5,000.00, payable to the Board in full on or before December 16, 2004.

IT IS SO ORDERED.

**KANSAS STATE BOARD OF HEALING ARTS**

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

October 18, 2004  
Date

/s/ LLS  
Lori L. Stonehocker, D.O.  
Licensee

10/16/04  
Date

Prepared and Approved by:

\_\_\_\_\_/s/ SLC\_\_\_\_\_  
Stacy L. Cook, #16385  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 South Topeka Boulevard  
Topeka, Kansas 66603-3068  
(785) 296-7413

*Attorney for Board*

Approved by:

\_\_\_\_\_/s/ Michael Francis\_\_\_\_\_  
Michael E. Francis, #8783  
5100 SW 10<sup>th</sup> Street, Suite 100  
Topeka, Kansas 66604  
(785) 235-8910

*Attorney for Licensee*

**CERTIFICATION OF SERVICE**

I, Stacy L. Cook, hereby certify that the Consent Order was served this 18<sup>th</sup> day of October, 2004, by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Michael E. Francis  
5100 SW 10<sup>th</sup> Street, Suite 100  
Topeka, KS 66604

and the original was hand-delivered for filing to:

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

\_\_\_\_\_/s/ SLC\_\_\_\_\_  
Stacy L. Cook