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

KS State Board of Healing Arts

In the Matter of)	
)	Docket No. 09-HA00149
Mary C. Vernon, M.D.)	
Kansas License No. 04-17719)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Stacy R. Bond, Associate Counsel (“Petitioner”), and Mary C. Vernon, M.D. (“Licensee”), by and through her counsel, Carey M. Gehl Supple, 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: 21624 Midland Dr., Shawnee, Kansas 66218.
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. 04-17719 on approximately July 1, 1978. Licensee’s license is active. Having last been renewed on or about July 1, 2009.
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. and 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

Consent Agreement
Mary C. Vernon, M.D.
09-HA00149

provided by K.S.A. 77-505 and 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 the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. 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.
7. 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.
8. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-2836 and K.S.A 65-2837, to take action with respect to Licensee's license under the Healing Arts Act, K.S.A. 65-2801, *et seq.*

9. On March 13, 2007 a peer review was held at Lawrence Memorial Hospital regarding Licensee. (confidential)

(confidential)

10. In June of 2007, Licensee's privileges with LMH were reviewed. At that time the probation was continued. In December 2007, Licensee's privileges at LMH were not renewed.

11. On or about May 16, 2008, the Board received a complaint from Lawrence Family Practice Center stating that Licensee left the practice on February 8, 2008 and at that time she still had 127 incomplete notes and charge tickets, some dating back to 2006.

12. Complainant stated that their last contact with Licensee was on May 14, 2008. At that time Licensee informed Complainant that she was still working on her notes and charge tickets.

13. On May 28, 2008, a certified letter was sent to Licensee by Board investigator requesting Licensee respond to the complaint. This letter was sent to Licensee's registered mailing address at that time. According to the US Postal service this letter was delivered on June 23, 2008. On June 9, 2008, a copy of the letter was sent by certified mail to Licensee at her practice address, this letter was delivered on June 11, 2008. On July 29, 2008 due to no response from Licensee, a third

letter was sent to Licensee asking her to respond to the complaint, this letter was sent to Licensee's practice address.

14. On August 7, 2008 Board investigator called Licensee at her practice and left a message. Licensee returned the call the next day, however, contact was not made with Licensee until August 11, 2008.
15. On August 22, 2008, the letter sent to Licensee's practice address on July 29, 2008, was returned to Board investigator, as return to sender, unclaimed, unable to forward.
16. On August 27, 2008, Board investigator received a written response to the complaint from Licensee. In Licensee's letter she references the letter sent to her on June 9, 2008.
17. Licensee 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 above allegations. Licensee further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
18. A protective order is hereby entered to protect all confidential information (confidential)
(confidential)
19. Licensee's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-2836.

20. Licensee violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(25) by failing to provide written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results to Lawrence Family Practice Center in a timely fashion.
21. Licensee violated K.S.A. 65-2836(r), by failing to furnish the board, or its investigators or representatives, any information legally requested by the Board.
22. Licensee violated K.S.A. 65-2836(s), by having sanctions or disciplinary actions taken against the licensee by a peer review committee, health care facility . . . for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.
23. Pursuant to K.S.A. 65-2836, as amended by HB 2620 on July 1, 2008, the Board may revoke, suspend, limit, censure or place under probationary conditions, Licensee's license and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Healing Arts Act.
24. 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.
25. All pending investigation materials for investigation 08-0058, 08-00105 and 08-00590 regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 23 who authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

26. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against her license and limitations on her license to engage in the practice of medicine and surgery:

CENSURE

- a. Licensee is publicly censured for violating the Healing Arts Act.

EDUCATION: ETHICS COURSE

- b. Licensee shall attend and successful complete a continuing education course for ethics, by March 1, 2010, at her own expense. The course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by April 1, 2010.
- c. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.
- d. These hours shall be in addition to those hours required for renewal of licensure.

EDUCATION: MEDICAL RECORDS KEEPING COURSE

- e. Licensee shall attend and successful complete a continuing education course for medical record keeping, by March 1, 2010, at her own expense. The course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by April 1, 2010.
- f. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.

- g. These hours shall be in addition to those hours required for renewal of licensure.

FINES / COSTS

- h. Licensee is hereby fined \$1000.00. Such fine is payable in full to the “Kansas Board of Healing Arts” on or before March 1, 2010. Licensee may make monthly payments of \$167.00 for 6 (six) months. The initial payment is due on or before the 15th day of September, 2009, with the remainder of the monthly payments due on or before the first day of each month thereafter. In the event that the Board does not receive a payment due and owing, the fine shall become immediately due and payable in full upon written notice by the Board to Licensee stating that payment has not been received.

27. Licensee’s failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.

28. 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. 64-4921 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.

29. Licensee hereby releases the Board, its individual members (in their official and personal capacity), 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.
30. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.
31. 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.
32. 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.

33. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.
34. Licensee acknowledges that she has read this Consent Order and fully understands the contents.
35. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
36. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
37. 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.

38. 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.
39. This Consent Order constitutes disciplinary action.
40. 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:

CENSURE

- a. Licensee is publicly censured for violating the Healing Arts Act.

EDUCATION: ETHICS COURSE

- b. Licensee shall attend and successful complete a continuing education course for ethics, by March 1, 2010, at her own expense. The course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by April 1, 2010.

- c. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.
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- e. Licensee shall attend and successful complete a continuing education course for medical record keeping, by March 1, 2010, at her own expense. The course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by April 1, 2010.
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upon written notice by the Board to Licensee stating that payment has not been received.

IT IS SO ORDERED on this 9th day of August, 2009.

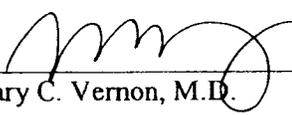
**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**



Jack Confer
Executive Director

9-9-09

Date

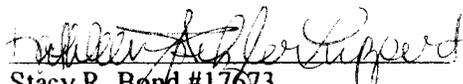


Mary C. Vernon, M.D.
Licensee

7/20/09

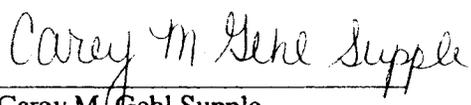
Date

PREPARED AND APPROVED BY:



Stacy R. Bond #17673
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
785-296-3268

AGREED TO BY:



Carey M. Gehl Supple
Attorney for Licensee

Consent Agreement
Mary C. Vernon, M.D.
09-HA00149

700 West 47th Street, Suite 1000
Kansas City, MO 64112
(816) 753-1536

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 9th day of Sept. ~~July~~, 2009, to the following:

Mary C. Vernon, M.D.
Licensee
21624 Midland Dr.
Shawnee, Kansas 66218

Carey M. Gehl Supple
Attorney for Licensee
700 West 47th Street, Suite 1000
Kansas City, MO 64112
(816) 753-1536

And the original was hand-filed with:

Jack Confer
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And a copy was hand-delivered to:

Stacy R. Bond
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Melissa Massey
Compliance Coordinator
Kansas Board of Healing Arts

Consent Agreement
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09-HA00149

235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Cathy Brown
Executive Assistant