

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

OCT 29 1996

**KANSAS STATE BOARD OF
HEALING ARTS**

IN THE MATTER OF)
The Application for Reinstatement of)
WAYNE W. WILLIAMSON, D.O.)
_____)

Case No. 97-011

STIPULATION AND AGREEMENT

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through Shelly Gasper, Assistant General Counsel, and Wayne W. Williamson, D.O. 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.
2. Applicant has made application to the Board for reinstatement of his license to practice osteopathy in the state of Kansas.
3. Applicant's application for reinstatement revealed that he was disciplined by the Missouri Board of Healing Arts for misuse of Nubain for chronic pain patients and failing to report required continuing education units.
4. There is cause to believe that grounds exist to deny Applicant's application for reinstatement. Specifically, the following grounds may constitute a basis for denial or limitation of license pursuant to K.S.A. 65-2836:
 - a. Applicant has had disciplinary action taken against him by the proper licensing

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authority of the State of Missouri in violation of K.S.A. 65-2836(j).

- b. The licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes in violation of K.S.A. 65-2836(p).
- c. The licensee has violated a federal law or regulation relating to controlled substances in violation of K.S.A. 65-2836(q).
- d. The licensee has surrendered the authority to utilize controlled substances issued by any state or federal agency for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section in violation of K.S.A. 65-2836(u).
- e. Prescribing, dispensing, administering, distributing a prescription drug or substance, including a controlled substance, in an excessive, improper or inappropriate manner or quantity or not in the course of the licensee's professional practice in violation of K.S.A. 65-2837(b)(23).

5. Under the provisions of K.S.A. 65-2838(b), the Board has the authority to enter into this Stipulation and Agreement.

6. It is the intent and purpose of this Stipulation to provide for settlement of all issues without the necessity of proceeding to a formal hearing. By executing this Stipulation, Applicant waives all procedural and due process requirements afforded to him by the Kansas Administrative Procedure Act, K.S.A. 1995 Supp. 77-501 *et seq.*

7. The terms and conditions of this Stipulation are entered into between the parties to become an Order of the Board which shall not become binding on the Board until a Board-

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authorized signature is affixed on the last page of this document. Applicant acknowledges that counsel for the Board is not authorized to sign for nor bind the Board.

8. Applicant agrees this Stipulation and the filing of this document are in accordance with the requirements of law, that the Board has jurisdiction to consider this Stipulation and that the Board is lawfully constituted to consider this matter. Applicant further agrees the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, as set forth by statute and as recited in this Stipulation, is constitutional on its face and as applied in this case.

9. Applicant agrees that the following conditions, restrictions and limitations be placed upon his license:

- a. Applicant's license is RESTRICTED to the practice of industrial medicine and blood bank supervision. Any changes in current employment should be reported within five days of Applicant's knowledge of such change. This reporting is required in order to monitor compliance with the restrictions on Applicant's license, not for approval of such changes.
 - b. Applicant agrees to provide to Kansas copies of compliance reports required to be submitted pursuant to Missouri Order dated June 26, 1996, paragraph 11.
 - c. Applicant agrees that any positive results from random biological fluid testing as required for the Missouri Order dated June 26, 1996, be reported within five days to Kansas.
 - d. All reporting should be addressed to Assistant General Counsel, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka KS 66603-3068.
10. This Stipulation shall be in effect for a period of at least two (2) years effective

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the date a Board-authorized signature is placed on this stipulation. Applicant may petition the Board for termination of this Stipulation after the expiration of such two-year time period.

11. Applicant's failure to comply with the provisions of this Stipulation may result in the Board taking disciplinary action in compliance with the Kansas Administrative Procedure Act. Applicant acknowledges that good and sufficient evidence submitted to the Board indicating Applicant has failed to meet the conditions of this Stipulation or any provision of the Healing Arts Act may serve as the basis for the initiation of disciplinary proceedings.

12. This Stipulation 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.

13. This Stipulation is entered into freely and voluntarily, and applicant agrees he has read and understands this Stipulation.

14. Applicant releases the Board, its employees and agents, from all claims and demands of every kind and nature Applicant claims to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected. 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 or the contents of this Stipulation.

15. Applicant understands and agrees that this document shall be deemed a public record when fully executed by both Applicant and the Board, and shall be reportable to the National Practitioner Data Bank, Federation of State Medical Boards and any other reporting entities requiring disclosure of this Stipulation.

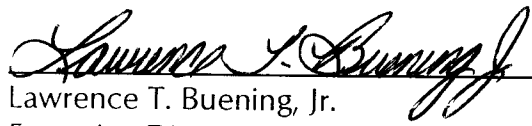
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16. Nothing in this agreement shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act or to investigate complaints received under the Kansas Risk Management Law, K.S.A. 65-4921 *et seq.*, whether unknown or not covered under the conditions of this Stipulation, or past acts unknown to the Board or subsequent acts.

IN WITNESS WHEREOF, the parties have executed this agreement on this 29th day of October, 1996.

KANSAS STATE BOARD OF HEALING ARTS



Lawrence T. Buening, Jr.
Executive Director

Date Oct 29, 1996

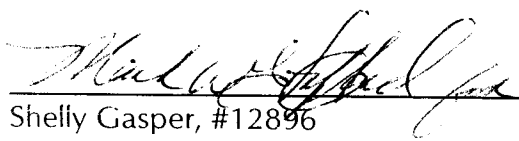


Wayne W. Williamson, D.O.


Date 10-4-96

Prepared by:

Approved as to form by:



Shelly Gasper, #12896
Assistant General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068
913/296-7413



Bradley D. Honnold
Shughart Thomson & Kilroy
Attorney for Wayne Williamson, D.O.

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Wayne W. Williamson, D.O.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing Stipulation and Agreement was deposited in the United States mail, first class postage prepaid, on this 27th day of October, 1996, addressed to the following:

Wayne Williamson, D.O.
12816 189th
Linwood, KS 66052

Bradley D. Honnold
Shughart, Thomson & Kilroy
120 West 12th St.
Kansas City, MO 64105

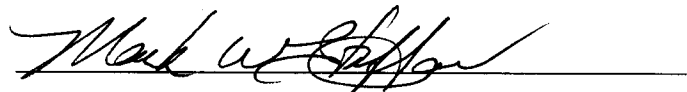
and copies were hand-delivered to:

Shelly Gasper
Acting Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068

Charlene K. Abbott
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068

and the original was hand-delivered to:

Office of the Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068



A handwritten signature in cursive script, appearing to read "Mark W. Williamson", is written over a horizontal line.

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Wayne W. Williamson, D.O.