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KS State Board of Healing Arts

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

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| In the Matter of | ) | |
| | ) | |
| **Jesus E. Val-Mejias, M.D.** | ) | |
| Kansas License No. 04-20814 | ) | |
| | ) | Docket No. 06-HA-79 |

**CONSENT ORDER**

**COMES NOW,** the Kansas State Board of Healing Arts ("Board") by and through Kelli J. Stevens, Litigation Counsel ("Petitioner"), and Jesus E. Val-Mejias, M.D. ("Licensee"), by and through counsel, Terry L. Malone and Rebecca Hesse, of Martin, Pringle, Oliver, Wallace & Bauer, L.L.P., 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 2600 North Woodlawn, Wichita, Kansas 67220-2729.

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. 04-20814 on December 8, 1984. Licensee last renewed his license on June 13, 2005.

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. Licensee agrees that, in considering this matter, the Board is not beyond its jurisdiction as provided by law.

6. 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.

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. On March 23, 2006, Petitioner filed a Petition seeking disciplinary action against Licensee's license, alleging a violation of the Healing Arts Act.

9. On or about July 28, 2005, a hospital in Wichita, Kansas issued a Final Decision of Non-renewal of Reappointment to the Medical Staff regarding Licensee's clinical privileges.

10. **(Confidential)**

**(Confidential)**

11. Licensee's acts are grounds for discipline pursuant to K.S.A. 65-2836(s), in that disciplinary action has been taken against him by a health care facility for acts that would constitute grounds for discipline under the Healing Arts Act.

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 on the allegations contained in the Petition.

13. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following provisions regarding his license to engage in the practice of medicine and surgery:

## EDUCATION

a. **(Confidential)**

b. On or before October 31, 2006, Licensee shall, at his own expense, attend and provide proof of completion of the USCS PACE Physician-Patient Communication Program **or** the Case Western Reserve University School of Medicine Intensive Course in Physician Communication in Cleveland, Ohio.

14. The provisions of this Consent Order do not constitute disciplinary action. However, Licensee's failure to comply with the Consent Order may result in the Board taking disciplinary action as the Board deems appropriate in accordance with 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 employees and agents, from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board 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 Board, its employees or agents, arising out of acts leading to the execution of this Stipulation or the content of this Stipulation.

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 Federation of State Medical Boards and any other reporting entities authorized to receive 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 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 he has read this Consent Order and fully understands the contents.

22. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the

Kansas Board of Healing Arts, Attn: Kelli J. Stevens, Litigation Counsel, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

23. 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.

24. 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.

25. 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, and is the Order of the Board.

**IT IS FUTHER ORDERED** that:

## EDUCATION

a. **(Confidential)**

b. On or before October 31, 2006, Licensee shall, at his own expense, attend and provide proof of completion of the USCS PACE Physician-Patient Communication Program **or** the Case Western Reserve University School of Medicine Intensive Course in Physician Communication in Cleveland, Ohio.

**IT IS SO ORDERED.**

**KANSAS BOARD OF HEALING ARTS:**

Lawrence T. Buening, Jr.
Executive Director

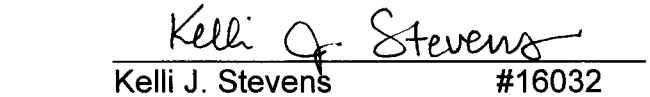
Jun 12, 2006
Date

Jesus Val-Mejias, M.D.
Licensee

16/May/2006

16/May/2006
Date

**PREPARED AND APPROVED BY:**



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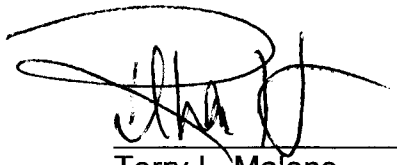
*Attorney for Petitioner*

**APPROVED BY:**



Terry L. Malone #11169
Rebecca Hesse #19550
MARTIN, PRINGLE, OLIVER
WALLACE & BAUER, L.L.P.
100 N. Broadway, Suite 500
Wichita, Kansas 67202
(316) 265-9311
*Attorneys for LIcensee*

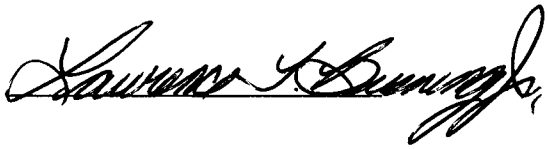
## CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing CONSENT ORDER was served this 12th day of June, 2006, by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Terry L. Malone
Rebecca Hesse
MARTIN, PRINGLE, OLIVER,
WALLACE & BAUER, L.L.P.
100 N. Broadway, Suite 500
Wichita, Kansas 67202

and a copy was hand-delivered to:

Kelli J. Stevens, Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was hand-delivered for filing to:

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