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KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	
Glenda M. Maurer, M.D.	)	
Kansas License No. 04-26800	)	Docket No. 09-HA00181
	)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts ("Board") by and through Kathleen Selzler Lippert, Litigation Counsel ("Petitioner"), and Glenda M. Maurer, M.D. ("Licensee") by and through Frankie Forbes of Holbrook & Osborn, P.A., 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 711 N. Norton Avenue, Norton, Kansas 67654.

2. Licensee is or has been entitled to engage in the practice medicine and surgery in the State of Kansas, having been issued License No. 04-26800 on April 5, 1997. Licensee last renewed her license on or about July 1, 2007.

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 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. All relevant times hereto, Licensee has been actively practicing medicine in Kansas.

9. The Board has received information, investigated the same and has reason to believe that Licensee deviated from the standard of care with respect to her treatment of (4) patients between 1998 and 2006.

10. Licensee's acts, if proven, are grounds for discipline pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(24), in that such acts constitute repeated failure to practice the healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances.

11. **(Confidential)**

(Confidential)

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. **(Confidential)**

(Confidential)

(Confidential)

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14. Licensee's failure to comply with the provisions of 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 alleged complaints received under 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 persecuted, 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 reported to any 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 matter 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 Disciplinary Panel members and General Counsel in consideration of this offer of settlement, and agrees not to seek the disqualification or recusal of any Disciplinary Panel member or General Counsel in any further proceeding on the basis that the Disciplinary Panel member or General Counsel 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. 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: **Compliance Coordinator**, 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.

(Confidential)

(Confidential)

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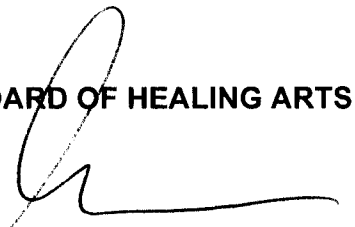
(Confidential)

IT IS SO ORDERED.

KANSAS BOARD OF HEALING ARTS:



Jack Confer
Executive Director

4-30-09
Date

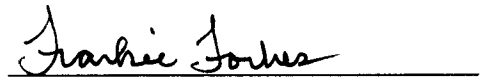
GMaurer M.D
Glenda Maurer, M.D.
Licensee

27 Mar 09.
Date

PREPARED BY:

Kathleen Selzler Lippert #17967
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

APPROVED BY:



Frankie Forbes #20725
Holbrook & Osborn, P.A.
7400 W 100th Street, Ste. 600
Overland Park, Kansas 66210
(913) 342-2500

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing CONSENT ORDER was served this 1st day of May, 2009, by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Frankie Forbes
Holbrook & Osborn
7400 West 110th Street, Suite 600
Overland Park, Kansas 66210-2362

and a copy was hand-delivered to:

Kathleen Selzler Lippert, Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was hand-delivered for filing to:

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

Cathy A. Brown
Signature