

**BEFORE THE STATE BOARD OF REGISTRATION  
FOR THE HEALING ARTS**

THE STATE BOARD OF REGISTRATION FOR THE  
HEALING ARTS  
P.O. Box 7001  
Jefferson City, MO 65102-7001

Petitioner,

v.

WILLIAM KELLY, M.D.  
8820 LaDue Road, Suite 309  
St. Louis, MO 63124

Respondent.

No. 2003-003660

**SETTLEMENT AGREEMENT**

Comes now William Kelly, M.D., ("Licensee") and the State Board of Registration for the Healing Arts ("Board") and enter into this Agreement for the purpose of resolving the question of whether Licensee's license as a physician and surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against Licensee; the right to present evidence on Licensee's own behalf;

the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

2. Licensee acknowledges that he may, at the time this Agreement is effective or within fifteen days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitutes grounds for discipline of Licensee's license.

3. Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.

4. The parties stipulate and agree that the disciplinary order agreed to by the Board and Licensee in Part II herein is based only on the Agreement set out in Part I herein. Licensee understands that the Board may take further disciplinary action against Licensee based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered

5. Licensee understands and agrees that the Board will maintain this Agreement as an open record of the Board as required by Chapters 334, 610, 620, and 621, RSMo, as amended.

## I.

Based upon the foregoing, Board and Licensee herein jointly stipulate to the following:

## JOINT PROPOSED FINDINGS OF FACT

1. The Board is an agency of the State of Missouri created and established pursuant to § 334.120, RSMo, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.

2. William A. Kelly, M.D., ("Licensee") is licensed by the Board, license number 30934, which license was first issued on or about June 25, 1966. Licensee's license is now current and active.

3. On or about December 10, 2001, Licensee submitted to the Board an application and appropriate fee to renew his license, which license was scheduled to expire on January 31, 2002. On or about December 12, 2001, the Board sent a letter to Licensee seeking additional information on his application, but, because Licensee's office had moved, Licensee never received the letter and Licensee's license expired on January 31, 2002.

4. Licensee practiced without a license between the date his license expired, January 31, 2002, and October 7, 2003, the date the Board informed him that his license was not current and active and he should immediately cease practicing.

5. On or about October 10, 2003, Licensee submitted an application for licensure as a physician using the Missouri Department of Economic Development's Late Registration form. The Board approved the application and Licensee's license was reactivated on or about October 16, 2003.

6. Licensee's actions violate § 334.010.1, RSMo, which provides in pertinent part:

1. It shall be unlawful for any person not now a registered physician within the meaning of the law to practice medicine or surgery in any of its departments . . . or to profess to cure and

attempt to treat the sick and others afflicted with bodily or mental infirmities[.]

...

### JOINT PROPOSED CONCLUSIONS OF LAW

Based on the foregoing, Licensee's license is subject to disciplinary action pursuant to § 334.100.2(6), RSMo, which provides in pertinent part:

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter . . . for any one or any combination of the following causes:

...

(6) Violation of, or attempting to violate, directly or indirectly . . . any provision of this chapter, or any lawful rule or regulation adopted pursuant to this regulation[.]

...

### II.

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of § 621.110, RSMo. This Agreement will be effective immediately on the date entered and finalized by the Board.

A. Effective the date the Board enters into the Agreement: The medical license, number 30934, issued to Licensee is hereby PUBLICLY REPRIMANDED.

B. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees costs and expenses, and

compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to § 536.087, RSMo, or any claim arising under 42 USC § 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

C. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

BOARD

William A. Kelly, M.D. 3/27/04  
William Kelly, M.D. Date

Tina Steinman 4/5/04  
Tina Steinman Date  
Executive Director

JEREMIAH W. (JAY) NIXON  
Attorney General

Zora Z. Mulligan  
Zora Z. Mulligan  
Assistant Attorney General  
Missouri Bar Number 54990

Post Office Box 899  
Jefferson City, MO 65102  
(573) 751-1444

Attorneys for Board

EFFECTIVE THIS 5 DAY OF April, 2004.