

COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF PODIATRY
AGENCY CASE NO. 2010-01

IN RE: SHELDON D. SIMON, D.P.M.
(LICENSE NO. 119)

RESPONDENT

AGREED ORDER

The Kentucky State Board of Podiatry (hereinafter "the Board") and the Respondent, Sheldon D. Simon ("Simon"), being fully advised and informed, state as follows:

- (1) Simon is a licensed podiatrist in the Commonwealth of Kentucky, having been issued Podiatry License No. 119.
- (2) Pursuant to Kentucky Revised Statutes ("KRS") Chapter 311, the Board is authorized to regulate and to control all matters related to podiatrists and podiatry, not delegated to another agency of the Commonwealth of Kentucky, and this matter has not been delegated to another agency of the Commonwealth.
- (3) The Board alleges that Simon acted in a manner that was inconsistent with the scope of the practice of podiatry in August of 2009 by prescribing medications for a patient for the treatment of conditions not related to the practice of podiatry.
- (4) Simon admits the allegations of paragraph 3 of this agreed order.
- (5) Simon and the Board agree to address this matter by entering into this agreed order in lieu of a formal hearing before the Board.
- (6) Following a review by the Board of the facts and circumstances associated with

the case against Simon, IT IS HEREBY AGREED AND ORDERED:

(a) Simon is FINED the sum of \$1,000, payable by certified check made out to the Kentucky State Treasurer. The fine, along with the signed Agreed Order shall be delivered to the Board's office at Kentucky Board of Podiatry, P.O. Box 174, Glasgow, Kentucky 42142-0174 on or before May 31, 2010.

(7) Failure to comply with any term of this agreed order shall constitute a violation of a Board order and shall provide grounds to take disciplinary action against Simon's license pursuant to KRS 311.480(10).

(8) By entering into this agreed order, Simon expressly acknowledges that he was fully and completely informed by his counsel of the due process rights afforded to him under KRS Chapters 13B and 311, that he fully understands those rights, and that he knowingly, voluntarily, and willingly agrees to waive those rights and to enter into this agreed order.

(9) The Agreed Order, when executed, shall be presented to the Board with a recommendation for approval from the Board's counsel. Simon understands the Board is free to accept or reject this Agreed Order, and if rejected by the Board, a formal disciplinary hearing may be scheduled by the Board with proper Notice. Simon agrees to waive any right he might have to challenge the impartiality of the Board to hear the case if, after review by the Board, this Agreed Order is rejected.

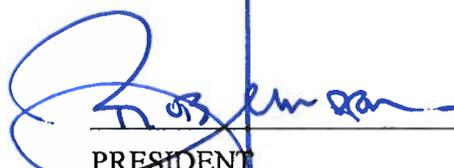
If the Agreed Order is not accepted by the Board, it shall be regarded as null and void. Any admissions made by Simon shall not be regarded as evidence against him at any subsequent

disciplinary hearing. Simon will be free to defend himself and no inferences against him will be made from his willingness to enter into this Agreed Order. The Agreed Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

(10) This agreed order is subject to disclosure under the Kentucky Open Records Act.

So ORDERED this 27th day of August, 2010.

KENTUCKY STATE BOARD OF
PODIATRY



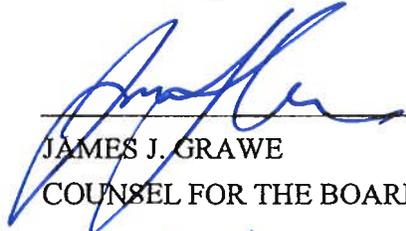
PRESIDENT



SHELDON D. SIMON

5/18/10

DATE SIGNED



JAMES J. GRAWE
COUNSEL FOR THE BOARD

8/27/10

DATE SIGNED

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