

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

In the Matter of)

New Century Health Quality Alliance, Inc.,)
a corporation, and)
Prime Care of Northeast Kansas, L.L.C.,)
a limited liability company,)

and)

Elizabeth Gallup, M.D., J.D.,)
Steven Buie, M.D.,)
Thomas Allen, M.D., and)
G. Robert Powers, M.D.,)
individuals,)

and)

Associates in Family Medicine, P.A.,)
Briarcliff Medical Associates, P.C.,)
College Park Family Care Center, P.A.,)
Family Health Group, Chartered,)
Family Medical Group, P.A.,)
Hickman Mills Clinic, Inc.,)
Kanza Multispecialty Group, P.A.,)
Landmark Medical Center, Inc.,)
Michael E. Monaco, M.D., d/b/a)
Select Healthcare, P.A.,)
Kenneth Norton, M.D., P.A.,)
Overland Park Family Health Partners, P.A.,)
Quivera Internal Medicine, L.L.C.,)
Seaport Family Practice, P.C.,)
Shawnee Family Care, P.A.,)
Statland Clinic Ltd.,)
Sunflower Medical Group, P.A.,)
United Medical Group, L.L.C., and)
Kimberly M. Wirths, M.D., P.A.)

File No. 051-0137

AGREEMENT CONTAINING CONSENT ORDER TO CEASE AND DESIST

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of New Century Health Quality Alliance, Inc. (“New Century”), Prime Care of Northeast Kansas, L.L.C. (“Prime Care”), Elizabeth Gallup, M.D., J.D., Steven Buie, M.D., Thomas Allen, M.D., G. Robert Powers, M.D., Associates in Family Medicine, P.A., Briarcliff Medical Associates, P.C., College Park Family Care Center, P.A., Family Health Group, Chartered, Family Medical Group, P.A., Hickman Mills Clinic, Inc., Kanza Multispecialty Group, P.A., Landmark Medical Center, Inc., Michael E. Monaco, M.D., d/b/a Select Healthcare, P.A., Kenneth Norton, M.D., P.A., Overland Park Family Health Partners, P.A., Quivera Internal Medicine, L.L.C., Seaport Family Practice, P.C., Shawnee Family Care, P.A., Statland Clinic Ltd., Sunflower Medical Group, P.A., United Medical Group, L.L.C., and Kimberly M. Wirths, M.D., P.A. (hereinafter collectively referred to as “Proposed Respondents”), and it now appearing that Proposed Respondents are willing to enter into an Agreement Containing Consent Order to Cease and Desist (“Consent Agreement”) from certain acts and practices, and providing for other relief,

IT IS HEREBY AGREED by and between Proposed Respondents and their attorney, and counsel for the Commission, that:

1. Proposed Respondent New Century is a not-for-profit corporation, organized, existing, and doing business as an independent practice association (“IPA”) under and by virtue of the laws of the State of Kansas, and its principal address is 5799 Broadmoor, Suite 104, Mission, Kansas 66202.
2. Proposed Respondent Prime Care is a for-profit limited liability company, organized, existing, and doing business as an IPA under and by virtue of the laws of the State of Kansas, and its principal address is 5799 Broadmoor, Suite 104, Mission, Kansas 66202.
3. Proposed Respondent Elizabeth Gallup, M.D., J.D., an individual, is Proposed Respondent New Century’s President. Her principal address is 236 Arapahoe Circle, East, Lake Quivera, Kansas 66217.
4. Proposed Respondent Steven Buie, M.D., an individual, was Proposed Respondent New Century’s Chairman of the Board from 1999 through 2004. His principal address is 11201 Colorado Avenue, Kansas City, Missouri 64137.
5. Proposed Respondent Thomas Allen, M.D., an individual, is Proposed Respondent New Century’s current Chairman of the Board. His principal address is 4601 West 109th Street, #212, Overland Park, Kansas 66211.

6. Proposed Respondent G. Robert Powers, M.D., an individual, is Proposed Respondent Prime Care's Chairman of the Board. His principal address is 2040 Hutton, #102, Kansas City, Kansas 66109.
7. Proposed Respondent Associates in Family Medicine, P.A., is a Medical Group Practice that participates in Proposed Respondent Prime Care. Its principal address is 8940 State Avenue, Kansas City, Kansas 66112.
8. Proposed Respondent Briarcliff Medical Associates, P.C., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 5400 North Oak Trfwy., Suite 200, Kansas City, Missouri 64118.
9. Proposed Respondent College Park Family Care Center, P.A., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 11755 West 112th Street, Overland Park, Kansas 66210.
10. Proposed Respondent Family Health Group, Chartered, is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 12330 Metcalf, Suite 500, Overland Park, Kansas 66213.
11. Proposed Respondent Family Medical Group, P.A., is a Medical Group Practice that participates in Proposed Respondent Prime Care. Its principal address is 8101 Parallel Parkway, Suite 100, Kansas City, Kansas 66112.
12. Proposed Respondent Hickman Mills Clinic, Inc., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 11201 Colorado Avenue, Kansas City, Missouri 64137.
13. Proposed Kanza Multispecialty Group, P.A., is a Medical Group Practice that participates in Proposed Respondent Prime Care. Its principal address is 1428 South 32nd, Kansas City, Kansas 66106.
14. Proposed Respondent Landmark Medical Center, Inc., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 8800 N.W. 112th Street, Kansas City, Missouri 64153.
15. Proposed Respondent Michael E. Monaco, M.D., d/b/a Select Healthcare, P.A., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 5701 West 119th Street, Suite 345, Overland Park, Kansas 66209.
16. Proposed Respondent Kenneth Norton, M.D., P.A., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 8901 West 74th Street, Suite 333, Shawnee Mission, Kansas 66204.

17. Proposed Respondent Overland Park Family Health Partners, P.A., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 6740 West 121st Street, Overland Park, Kansas 66209.
18. Proposed Respondent Quivera Internal Medicine, L.L.C., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 10601 Quivera Road, Suite 210, Overland Park, Kansas 66215.
19. Proposed Respondent Seaport Family Practice, P.C., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 140 Westwoods Drive, Liberty, Missouri 64068.
20. Proposed Respondent Shawnee Family Care, P.A., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 5949 Nieman, Shawnee, Kansas 66203.
21. Proposed Respondent Statland Clinic, Ltd., is a Medical Group Practice that participates in Proposed Respondent Prime Care. Its principal address is 5701 West 119th Street, Suite 240, Overland Park, Kansas 66209.
22. Proposed Respondent Sunflower Medical Group, P.A., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 5555 West 58th Street, Mission, Kansas 66202.
23. Proposed Respondent United Medical Group, L.L.C., is a Medical Group Practice that participates in Proposed Respondent Prime Care. Its principal address is 5701 State Avenue, Suite 100, Kansas City, Kansas 66102.
24. Proposed Respondent Kimberly M. Wirths, M.D., P.A., is a Medical Group Practice that participates in Proposed Respondent New Century. Its principal address is 8675 College Boulevard, Suite 100, Overland Park, Kansas 66210.
25. Proposed Respondents waive:
 - a. any further procedural steps;
 - b. the requirement that the Commission's Decision and Order, attached hereto and made a part hereof, contain a statement of findings of fact and conclusions of law;
 - c. all rights to seek judicial review or otherwise to challenge or contest the validity of the Decision and Order entered pursuant to this Consent Agreement; and
 - d. any claim under the Equal Access to Justice Act.

26. This Consent Agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Consent Agreement is accepted by the Commission, it, together with the draft of Complaint contemplated thereby, will be placed on the public record for a period of thirty (30) days and information with respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Consent Agreement and so notify the Proposed Respondents, in which event it will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and Decision and Order, in disposition of the proceeding.
27. This Consent Agreement is for settlement purposes only and does not constitute an admission by Proposed Respondents that the law has been violated as alleged in the draft of Complaint here attached, or that the facts as alleged in the draft of Complaint, other than jurisdictional facts, are true.
28. This Consent Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission may, without further notice to Proposed Respondents, (1) issue its Complaint corresponding in form and substance with the draft of Complaint here attached and the Decision and Order in disposition of the proceeding and (2) make information public with respect thereto. When so entered, the Decision and Order shall have the same force and effect, and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The Decision and Order shall become final upon service. Delivery of the Complaint and the Decision and Order to Proposed Respondents by any means specified in Commission Rule 4.4(a), 16 C.F.R. § 4.4(a), shall constitute service. The Complaint may be used in construing the terms of the Decision and Order, and no agreement, understanding, representation, or interpretation not contained in the Decision and Order or the Consent Agreement may be used to vary or contradict the terms of the Decision and Order.
29. Proposed Respondents have read the Draft of Complaint and the Decision and Order contemplated hereby. By signing this Consent Agreement, Proposed Respondents represent that the full relief contemplated by this Consent Agreement can be accomplished. Proposed Respondents understand that once the Decision and Order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the Decision and Order. Proposed Respondents agree to comply with Paragraph II of the draft Decision and Order from the date they sign this Consent Agreement. Additionally, each proposed Respondent agrees to comply with Paragraph IV of the draft Decision and Order from the date each signs this Consent Agreement. Further, Proposed Respondent New Century and Proposed Respondent Prime Care each agree to comply with Paragraph III of the draft Decision and Order from the date each signs this Consent Agreement, and proposed Respondents Gallup, Buie, Allen, and Powers agree to comply with Paragraph V of the draft Decision and Order

from the date each signs this Consent Agreement. Proposed Respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the Decision and Order after the Decision and Order becomes final.

New Century Health Quality Alliance, Inc.,
a corporation,

By: _____

Prime Care of Northeast Kansas, L.L.C.,
a limited liability company.

By: _____

Elizabeth Gallup, M.D., J.D.,
an individual,

Steven Buie, M.D.,
an individual,

Thomas Allen, M.D.,
an individual,

G. Robert Powers, M.D.,
an individual.

Associates in Family Medicine, P.A.

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Briarcliff Medical Associates, P.C.

By: _____

College Park Family Care Center, P.A.

By: _____

Family Health Group, Chartered

By: _____

Family Medical Group, P.A.

By: _____

Hickman Mills Clinic, Inc.

By: _____

Landmark Medical Center, Inc.

By: _____

**Michael E. Monaco, M.D., d/b/a Select
Healthcare, P.A.**

By: _____

Kenneth Norton, M.D., P.A.

By: _____

Overland Park Family Health Partners, P.A.

By: _____

Quivera Internal Medicine, L.L.C.

By: _____

Kanza Multispecialty Group, P.A.

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Shawnee Family Care, P.A.

By: _____

Statland Clinic, Ltd.

By: _____

Sunflower Medical Group, P.A.

By: _____

United Medical Group, L.L.C.

By: _____

Kimberly M. Wirths, M.D., P.A.

By: _____

**George E. Leonard, Esquire
Shugart, Thomson & Kilroy, P.C.
Counsel for Proposed Respondents**

Signed this ____ day of _____, 2006

FEDERAL TRADE COMMISSION

By: _____
David M. Narrow
Attorney

Approved

David R. Pender
Acting Assistant Director

Jeffrey Schmidt
Director
Bureau of Competition
Federal Trade Commission