

F I L E D

AUG 22 2001

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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
SCOTT E. GILBERT, MD)
Kansas License # 4-22638)

Docket No. 02-HA-05

PROPOSED DEFAULT ORDER

NOW, on this 18th day of October, 2001, comes on before the Kansas Board of Healing Arts (hereafter "Board") a Petition to Revoke, Suspend or Otherwise Limit the License of Scott E. Gilbert, M.D. (hereafter "Licensee"). Licensee does not appear either in person or through counsel. Stacy L. Cook, Litigation Counsel, appears for the Board.

The Board finds Licensee in default for his failure to attend and participate in the Conference Hearing on disciplinary petition which was scheduled for 10:15 a.m. on Saturday, August 18, 2001. The allegations of fact as stated in the July 27, 2001 Petition to Revoke, Suspend or Otherwise Limit License are adopted as the Board's findings of fact, conclusions of law and order.

WHEREFORE, the Board finds, concludes, and orders as follows:

1. On or about May 3, 2000, Licensee's license to practice medicine and surgery was revoked by the Oklahoma State Board of Medical Licensure and Supervision ("Oklahoma Board").
2. As provided by K.S.A. 65-2836(j), Licensee's license may be revoked, suspended or otherwise limited due to the fact that Licensee has had a license revoked by the proper licensing authority of another state.

3. The grounds for the Oklahoma Board's revocation of Licensee's license included gross negligence, **(Confidential)**, inability to practice medicine with reasonable skill and safety to patients, using non FDA-approved surgical equipment, prescribing controlled substances without medical need, aiding and abetting the practice of medicine by individuals not duly authorized under the laws of the state, false or fictitious prescription of drugs, **(Confidential)**
(Confidential)

4. The acts or conduct by Licensee which were grounds for the Oklahoma Board's action are similar to acts or conduct which would also be grounds for disciplinary action under the Healing Arts Act. K.S.A. 65-2801 *et seq*; K.S.A. 65-2836(b), K.S.A. 65-2837(a)(1).

5. On June 14, 1999, Doctors Hospital suspended Licensee's privileges. Licensee failed to report to the Board that his hospital privileges were suspended.

6. **(Confidential)**
(Confidential)

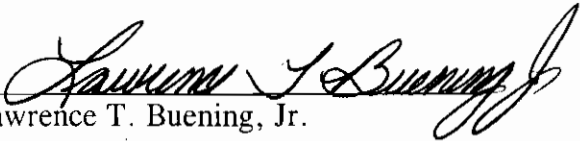
7. The Board may revoke, suspend or otherwise limit Licensee's license for committing fraud or misrepresentation in securing a renewal license. K.S.A. 65-2836(a).

IT IS THEREFORE ORDERED that the license of Scott E. Gilbert, M.D. be revoked.

PLEASE TAKE NOTICE that this is a Proposed Default Order. A party against whom a Proposed Default Order is issued may file a Motion to Vacate the order. A Motion to Vacate the Proposed Default Order must be filed with the Executive Director, 235 S. Topeka Boulevard, Topeka, Kansas 66603. Any such motion is not timely unless filed within 7 days following service of the Proposed Default Order. If no timely Motion to Vacate the Proposed Default Order is received, the proposed order becomes the Board's Final Order without further proceedings or notice.

DATED this 22^d day of August, 2001.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE


I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 22^d day of August, 2001, a true and correct copy of the above and foregoing Proposed Default Order was deposited in the United States mail, postage prepaid, first class to the following:

Scott E. Gilbert, M.D.
2107 East 15th Street
Tulsa, Oklahoma 74104

and a copy was hand-delivered to:

Stacy L. Cook, Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

and the original was filed with the office of the Executive Director.


LAWRENCE T. BUENING, JR.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(785) 296-3680

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

SEP 11 2001

KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
)
SCOTT E. GILBERT, MD)
Kansas License # 4-22638)

Docket No. 02-HA-05

JOURNAL ENTRY

NOW, on this 11th day of September, comes Lawrence T. Buening, Jr., Executive Director of the Kansas State Board of Healing arts (hereafter "Board") and finds and states as follows:

1. On July 31, 2001, a copy of the Notice of Conference Hearing on the Petition to Revoke, Suspend or Otherwise Limit License filed on July 27, 2001, was mailed to Scott E. Gilbert, M.D. (hereafter "Respondent"), at his mailing address, 2107 East 15th Street, Tulsa, Oklahoma 74104. The notice was not returned in the mail to the Board office as undeliverable.

2. Respondent did not attend the Conference Hearing conducted on August 18, 2001, at which time the Board found Respondent to be in default and issued a Proposed Default Order which was filed on August 22, 2001.

3. A copy of the Proposed Default Order was mailed to Respondent on August 22, 2001 at Respondent's mailing address in Tulsa, Oklahoma. The Proposed Default Order was not returned in the mail to the Board office as undeliverable.

4. K.S.A. 77-520 provides that a party against whom a Proposed Default Order is issued may file a written motion requesting that the order be vacated within seven days after service of the order and if a motion is not so filed, the Proposed Default Order shall become effective.

5. Respondent has not filed a motion requesting that the Proposed Default Order be vacated and, therefore, by operation of law, the Proposed Default Order became effective September 6, 2001, and Respondent's license to practice medicine and surgery in the state of Kansas is revoked as of that date.

DATED this 11th day of September, 2001.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR.
Executive Director

CERTIFICATE OF SERVICE

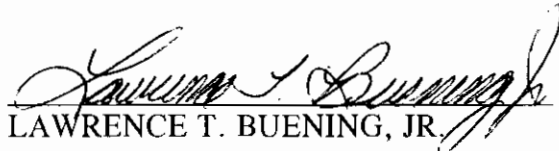
I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 11th day of September, 2001, a true and correct copy of the above and foregoing Journal Entry was deposited in the United States mail, postage prepaid, first class to the following:

Scott E. Gilbert, M.D.
2107 East 15th Street
Tulsa, Oklahoma 74104

and a copy was hand-delivered to:

Stacy L. Cook, Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

and the original was filed with the office of the Executive Director.



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