

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED CAB

APR 28 2008

KS State Board of Healing Arts

In the Matter of)
Kurt Guindon, MD)
)
Kansas License No. 04-21448)
_____)

Docket No. 08-HA00177

EMERGENCY ORDER

NOW ON THIS Twenty Fifth Day of April 2008, this matter comes before the Board upon Petitioner's Motion for Ex Parte Emergency Order of Suspension and for Emergency Proceedings involving Respondent Kurt Roberts Guindon, M.D. Kathleen Selzler Lippert, Associate Counsel to the Board, appears for Petitioner. There are no other appearances.

Having the agency record before it, comprised of the Petition and the motion with its attachments, and having heard the statements of counsel, the Board makes the following findings of fact, conclusions of law, and order.

1. Board counsel of record in this case made appropriate attempts to give notice of this hearing to attorneys who were believed to have represented Respondent in other matters. Those attorneys advised Board counsel that they have not been authorized to appear for Respondent in this matter. One of those attorneys advised that the Petition and motion were provided to Respondent by facsimile.

2. There is sufficient evidence in the record for the Board to find, without hesitancy, that Respondent (**Confidential**) resulting in his inability to practice the healing arts with reasonable skill and safety to patients, and that harm to the health and welfare of patients or other persons is not only foreseeable but with a degree of likelihood so that this injury to the public health and welfare is characterized as imminent.

3. (**Confidential**)
(**Confidential**)

4. (**Confidential**)
(**Confidential**)

(Confidential)

5. Based upon the record, the Board presumes the truth of allegations made in the Petition regarding his failure to maintain liability insurance and pay the surcharge to the healthcare stabilization fund and his misrepresentation of those failures, and for the purpose of this Emergency Order finds those failures as fact. This fact, by itself, does not create an imminent danger to the public, but appears consistent with and adds credence **(Confidential)**
(Confidential)

6. The Board is authorized to issue an emergency order under K.S.A. 65-2838(c) and 77-536. Those statutes allow the Board to suspend or limit a license as necessary to protect the public from imminent or immediate harm resulting from a violation of the healing arts act. The Board has the burden to establish by clear and convincing evidence that a threat of harm exists as a result of a violation.

7. The Board finds and concludes that clear and convincing evidence supports a finding that Respondent **(Confidential)** to a degree that his authority to practice medicine and surgery creates an unreasonable risk of imminent harm to the public health and welfare, and that his license should be suspended immediately.

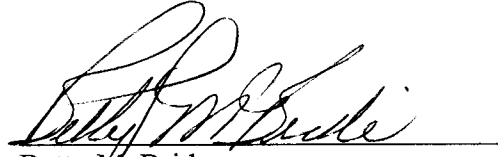
IT IS, THEREFORE, ORDERED that the license of Kurt Roberts Guindon, M.D. is hereby suspended pending further proceedings.

IT IS FURTHER ORDERED that Merle Hodges, M.D. is hereby appointed to conduct further proceedings, including an opportunity for a hearing on the motion prompting this Emergency Order, and at the conclusion of the proceedings to make findings of fact, conclusions of law and Initial Order.

PLEASE TAKE NOTICE that this is an emergency order. It is effective when rendered. A party may seek immediate judicial review of an emergency order. A copy of any petition for judicial review must be served upon the Boards executive director at 235 S. Topeka Blvd., Topeka, KS 66603.

Dated this 26th day of April, 2008.

Kansas State Board of Healing Arts


Betty McBride
President

Certificate of Service

I certify that the foregoing Emergency Order was served this 28th day of April, 2008, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Kurt Roberts Guindon, M.D.
1723 Lydia Lane
Junction City, KS 66441
Respondent

and a copy was hand-delivered to the office of:

Kathleen Selzler Lippert
Associate Counsel
235 S. Topeka Blvd.
Topeka, KS 66603
Attorney for Petitioner

