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

**KANSAS STATE BOARD OF
HEALING ARTS**

IN THE MATTER OF)
EZEKIEL O. ABANISHE, D.O.)
)
License No. 5-18204)
_____)

Docket No. 01-HA-22

**ORDER OF DISMISSAL FOLLOWING
CONFERENCE HEARING**

NOW on this 23rd day of June, 2001, comes on for conference hearing before the Kansas State Board of Healing Arts ("Board") the Petition to Revoke, Suspend or Limit License filed in the above-entitled matter on April 4, 2001. The Petitioner appears by and through Shelly R. Wakeman, Disciplinary Counsel. Ezekiel O. Abanishe, D.O. ("Licensee") appears in person pro se.

After hearing arguments of counsel, the testimony of Licensee, reviewing the file and exhibits admitted as evidence, the Board makes the following findings and orders:

1. Licensee was issued license no. 05-18204 on June 15, 1979, to practice osteopathic medicine and surgery in the state of Kansas, which license was last renewed on an inactive status on or about August 31, 2000, for the period ending September 30, 2001.
2. On or about August 15, 1997, Licensee pled guilty to one felony count of providing false information to a department and agency of the U.S. Government in the case entitled *United States v. Ezekiel Abanishe*, Case No. 4:96CR00211-001 in the United States District Court for the East District of Missouri.

3. On or about November 21, 1997, the Missouri State Board of Registration for the Healing Arts (“Missouri Board”) revoked Licensee’s medical license in that state due to the above felony conviction. Such revocation was automatic pursuant to statute 334.103, RSMo 1994. In the same Order, the Missouri Board also immediately stayed the revocation.

4. On or about December 8, 2000, Licensee was notified by the Missouri Board that the revocation of his license was no longer stayed due to a recent Missouri Court of Appeals decision which found that the Missouri Board did not have the authority to stay revocations that were automatic pursuant to the above statute.

5. At its meeting held April 27, 2001, the Missouri Board reinstated Licensee’s license to practice in that state.

6. Pursuant to K.S.A. 2000 Supp. 65-2836(c), Licensee’s license may be revoked, suspended or otherwise limited, due to that fact that Licensee was convicted of a felony prior to July 1, 2000.

7. Pursuant to K.S.A. 2000 Supp. 65-2836(s), Licensee’s license may be revoked, suspended or otherwise limited due to the fact that Licensee had his Missouri license revoked for conduct similar to acts or conduct which would constitute grounds for disciplinary action in this state.

8. The conduct that gave rise to the felony conviction occurred in 1991; Licensee has successfully completed all the terms and conditions of probation and supervision imposed as a result of the felony conviction; the conduct which gave rise to the felony conviction was unrelated to the care provided by Licensee to patients; the Missouri Board immediately stayed the revocation of Licensee’s license upon its revocation in 1997; the Missouri Board reinstated Licensee’s license on April 27, 2001, following its mandatory revocation on December 8, 2000; there has been no evidence presented of misconduct by Licensee since the conduct in 1991 which gave rise to the felony conviction; and it appears that Licensee has been sufficiently rehabilitated to warrant the public trust.

9. The violations of the Healing Arts Act committed by the Licensee do not warrant disciplinary action against his license to practice osteopathic medicine and surgery in this state.

IT IS THEREFORE ORDERED that the finding hereinabove made be and the same are hereby made the order of the Board

IT IS FURTHER ORDER that the Petition to Revoke, Suspend or Otherwise Limit License should be dismissed with prejudice.

DATED this 10th day of July 2001.

KANSAS STATE BOARD OF HEALING ARTS


LAURENCE 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 10th day of July, 2001, a true and correct copy of the above and foregoing Order of Dismissal Following Conference Hearing was deposited in the United States mail, postage prepaid, first class to the following:


Ezekiel O. Abanishe, DO
2329 N. 86th Terrace
Kansas City, Kansas 66109

Basil L. North, Jr.
1125 Grand Avenue, Suite 1301
Kansas City, MO 64106-2503

and a copy was hand-delivered to:

Shelly Wakeman, Disciplinary 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.
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