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DEC 15 2004

KANSAS STATE BOARD OF
HEALING ARTS

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

In the Matter of)
)
PIUS AYODELE ABOLOYE, M.D.)
Application for Kansas License)
_____)

Docket No. 05-HA-11

FINAL ORDER

NOW ON THIS Eleventh Day of December 2004, this matter comes on for hearing. Applicant Pius Ayodele Aboloye, M.D. appears in person and without counsel. Kelli J. Benintendi, Associate Counsel, appears for the Board.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. Applicant initiated this matter with an application to practice medicine and surgery. Board counsel filed a response in opposition to the application. The Board set the matter for hearing to occur on October 16, 2004. Applicant requested to withdraw his application, and did not appear at the hearing. The Board found Applicant in default, denied his motion to withdraw, and issued a proposed default order. Applicant filed a timely motion to vacate the proposed default order.

2. The Board concludes that it should vacate the proposed default order to correct its findings. The material facts are not in dispute, though the parties do dispute facts that are not material to the decision.

3. In July 1983, Applicant was convicted of possession of a credit card belonging to another person and of three counts of felony forgery, all in the State of Oklahoma.

4. In February 1999, Applicant was convicted of one felony count of mail fraud in the U.S. District Court for the Western District of Texas.
5. In May 2002, Applicant was convicted of unlawfully possessing and using a fraudulent ID, a felony, in the State of Texas.
6. In March 2002, Applicant resigned from the family practice program at Tarrant County Hospital in Fort Worth, Texas while under investigation for failing to disclose the felony convictions in his application to that residency program.
7. In April 2004, the Texas Board of Medical Examiners revoked Applicant's training permit for failing to disclose the prior felony convictions.
8. In August 2003, the Texas State Board of Pharmacy revoked Applicant's pharmacy license based upon the felony convictions and based upon his failure to disclose those convictions.
9. In April 2003, Applicant was excluded from Medicare and Medicaid participation based upon the revocation of the pharmacy license.
10. In his application to the Board, Applicant failed to disclose his exclusion from the Medicare and Medicaid programs.
11. Applicant used a social security identification number in applying for his license with the Board that is different from the number provided to the Office of Inspector General and to the Federation of State Medical Boards.
12. The Board concludes that, as a result of the felony conviction, K.S.A. 65-2836(c) requires the Board to deny the application unless two-thirds of the members present and voting find clear and convincing evidence of rehabilitation. The Board does not find rehabilitation is sufficient to warrant the public trust.

13. The Board concludes that Applicant's knowing failure to include material information in his application, including the fact of his exclusion from Medicare and the multiple social security numbers, constitute misrepresentation, and the Board may deny the application as provided by K.S.A. 65-2836(a).


14. The Board concludes that Applicant's exclusion from Medicare, his surrender of privileges, and the revocation of his postgraduate training permit are grounds for the Board to deny the application, as provided by K.S.A. 65-2836(j), (s) and (v).

IT IS, THEREFORE, ORDERED that the application for a license to practice medicine and surgery by Pius Ayodele Aboloye, M.D. is denied.

PLEASE TAKE NOTICE that this is a final order. A final order is effective upon service. A party to an agency proceeding may seek judicial review of a final order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the final order. A copy of any petition for judicial review must be served upon the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 15th Day of December 2004.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 16th day of December 2004 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Pius A. Aboloye
2203 Landmark Ct., #4
Arlington, TX 76013

And a copy was hand-delivered to the office of

Kelli J. Benintendi
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

