

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

In the Matter of)
ALAN A. ALBARRACIN, M.D.)

Kansas License)
No. 4-19287)

JUN 23 1992

Case No. 89-DC-0102
KANSAS STATE BOARD OF
HEALING ARTS

**SUMMARY ORDER DENYING MODIFICATION OF
STIPULATION AND AGREEMENT**

NOW on this 12th day of June, 1992, this matter comes on before the Kansas State Board of Healing Arts for consideration of termination of the Stipulation and subsequent Enforcement Order filed January 20, 1989. Licensee, Alan A. Albarracin, M.D. does not appear nor does anybody appear on behalf of Dr. Albarracin. Board appears by and through Steve A. Schwarm, Board General Counsel. There are no other appearances.

The Board specifically notes that on January 20, 1989, an Enforcement Order was entered into involving Alan A. Albarracin, M.D. making the provisions of the Stipulation entered into December 9, 1988 between the Kansas State Board of Healing Arts and Alan A. Albarracin, M.D. an order of the Board. The Board specifically notes that conditions set forth in the Stipulation indicates that Licensee shall participate in at least 50 hours of continuing education for obstetrics and gynecology. Additionally, it notes that Licensee shall immediately cease and desist from performing epidural blocks. Furthermore it notes that Licensee's patient records shall conform to the requirements of Kansas Administration Regulation 100-24-1. Paragraph 6 of the Stipulation states

specifically that Licensee may request an appearance before the Board to discuss modification, amendment or rescission of this Stipulation and the Board will give such request due consideration.

The Board takes administrative notice that on May 6, 1992, Board General Counsel, by written communication, requested Licensee, Alan A. Albarracin, M.D. to respond in writing and indicate if Licensee had successfully completed the 50 hours of continuing medical education, if Licensee has performed any type of epidural blocks since the signing of the Stipulation and what steps Licensee has taken to ensure compliance with Kansas Administrative Regulation 100-24-1.

The Board takes administrative notice that the Board nor Board staff has received any written correspondence from Licensee in response to General Counsel's May 6, 1992 letter.

Having reviewed the file, hearing arguments of counsel and being otherwise duly advised in the premises, the Board issues the following findings of fact and conclusions of law.

1. Alan A. Albarracin, M.D. is a Licensee under the jurisdiction of the Kansas State Board of Healing Arts. Licensee, Alan A. Albarracin, M.D. entered into a Stipulation with the Kansas State Board of Healing Arts on December 9, 1988. An Enforcement Order making the December 9, 1988 Stipulation an Order of the Board was executed on January 20, 1989. The Board notes that Licensee nor anybody on behalf of Licensee has filed any type of written documentation to indicate compliance with the provisions of the January 20, 1989 Enforcement Order.

2. Due to the fact of demonstration of non-compliance with the January 20, 1989 Enforcement Order, Licensee's April 13, 1992 request to be released from the Stipulation is hereby denied for failure to demonstrate compliance.


Pursuant to K.S.A. 77-537, this decision, which is called an Order of Summary Proceedings Denying Modification of Stipulation is subject to your request for a hearing. If you desire a hearing before the Kansas State Board of Healing Arts to contest the content of this Order, you must file a written request for such a hearing and direct it to the following:

Steve A. Schwarm, General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

THIS REQUEST MUST BE FILED, SUBMITTED AND RECEIVED IN THE BOARD OFFICE WITHIN 15 DAYS FROM THE DATE OF SERVICE OF THIS ORDER. IF A HEARING REQUEST IS NOT SUBMITTED NOR REQUESTED IN THE TIME AND MANNER STATED ABOVE, THIS SUMMARY ORDER SHALL BECOME EFFECTIVE AND FINAL UPON THE EXPIRATION OF THE TIME FOR REQUESTING SUCH A HEARING.

IT IS SO ORDERED this 23rd day of June, 1992.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR.
Executive Director
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-7413

Prepared and Approved by:



Steve A. Schwarm
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-7413

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., do hereby certify that on the 23rd day of June, 1992, a copy of the above and foregoing SUMMARY ORDER DENYING MODIFICATION OF STIPULATION AND AGREEMENT was deposited in the United States mail, postage prepaid, addressed to:

Alan A. Albarracin, M.D.
Hertzler Family Practice
940 N. Tyler Road, Suite 100
Wichita, Kansas 67212

and a copy was hand-delivered to:

Steve A. Schwarm
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603


LAWRENCE T. BUENING, JR.

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