

**EFFECTIVE AS A
FINAL ORDER**

DATE: 1/13/14

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

FILED
DEC 20 2013 *CAB*

KS State Board of Healing Arts

**In the Matter of
Steven Albert, D.O.**

Docket No. 14-HA00040

Kansas License No. 05-24773 (Cancelled)

**PROPOSED DEFAULT ORDER DENYING APPLICATION FOR
REINSTATEMENT OF LICENSURE**

NOW on this 13th day of December, 2013, comes on for conference hearing before the Kansas State Board of Healing Arts ("Board") the Application for Reinstatement of License to Practice Medicine and Surgery of Steven Albert, D.O. ("Applicant"). Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board. Applicant fails to appear.

Pursuant to the authority granted to the Board by K.S.A. 65-2801 *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Proposed Default Order in the above-captioned matter.

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

1. Applicant was previously licensed to engage in the practice of osteopathic medicine and surgery in the State of Kansas, having been issued License No. 05-24773 in 1993. Such license was cancelled for failure to renew on November 1, 2012. At the time of cancellation, Applicant's license designation was "inactive".

2. On approximately March 8, 2013, Applicant submitted an Application for Reinstatement of his license to practice medicine and surgery in Kansas. Such Application was determined to be complete and filed with the Board on September 12, 2013.

3. In his Application for Reinstatement, Applicant provided an official mailing address of **Confidential**, Oberlin, Kansas 67749.

4. On September 12, 2013, Associate Litigation Counsel filed a Response to Application for Reinstatement of License to Practice Osteopathic Medicine and Surgery (“Response in Opposition”) and offered Board Exhibits 1, 2, 3 and 4 into evidence.

5. The Response in Opposition alleged that Applicant **Confidential** and unable to practice the healing arts with reasonable skill and safety to patients **Confidential** **Confidential** and that there are grounds to deny his Application for Reinstatement pursuant to K.S.A. 65-2836(i).

6. The Response in Opposition further alleges that Applicant was terminated from a health care facility **Confidential** in 2012, and that there are grounds to deny his Application for Reinstatement pursuant to K.S.A. 65-2836(s) because the termination is a sanction or a disciplinary action by a healthcare facility for acts or conduct similar to acts or conduct which would be grounds for discipline under 65-2836.

7. Applicant was served with a copy of the Response in Opposition on September 13, 2013, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

8. A Conference Hearing was scheduled to be held on October 11, 2013, regarding Applicant’s Application for Reinstatement and a Notice of Conference Hearing was served on Applicant on September 19, 2013, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

9. On or about October 9, 2013, Applicant's attorney of record filed a Motion to Withdraw as Counsel for Applicant and further requested a continuance of the October 11, 2013 conference hearing.

10. On October 14, 2013, an Order of Continuance was issued by the Board which continued the matter to December 13, 2013. The Order of Continuance was served on Applicant on October 14, 2013, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

11. On December 3, 2013, the Order of Continuance was returned to the Board with a label stating, "moved left no address unable to forward". Board staff re-sent the Order of Continuance to the residential address that Applicant provided to the Board. At present, the re-sent Order of Continuance has not been returned.

12. On November 22, 2013, a Notice of Hearing for a December 13, 2013 conference hearing on Applicant's Application for Reinstatement was served on Applicant by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

13. On December 3, 2013, the Notice of Hearing was returned to the Board with a label stating, "moved left no address unable to forward". Board staff re-sent the Notice of Hearing to the residential address that Applicant provided to the Board. At present, the re-sent Order of Continuance has not been returned.

14. Applicant failed to appear at the conference hearing regarding his Application for Reinstatement held on December 13, 2013. At the conference hearing, Associate Litigation Counsel moved for issuance of a proposed default order denying Applicant's Application for Reinstatement.

15. The Board finds Applicant is in default pursuant to K.S.A. 77-520.

16. The factual and legal allegations set forth in the Response in Opposition are deemed undisputed.

17. Board Exhibits 1, 2, 3 and 4 are admitted into evidence.

18. The Board concludes that there are grounds to deny Applicant's Application for Reinstatement pursuant to K.S.A. 65-2836(i) and K.S.A. 65-2836(s).

19. Based on the undisputed allegations set forth in the Response in Opposition and evidence in the agency record, the Board concludes that denial of Applicant's Application for Reinstatement is warranted in the circumstances.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant's Application for Reinstatement is hereby DENIED.

IT IS SO ORDERED THIS 19 DAY OF DECEMBER, 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

FINAL ORDER NOTICE OF RIGHTS

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 Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER DENYING APPLICATION FOR REINSTATEMENT OF LICENSURE** was served this 13th day of Jan., 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Steven Albert, D.O.
Confidential
Oberlin, Kansas 67749-5035
mailing address

Steven Albert, D.O.
Confidential
Oberlin, Kansas 67749
residential address

And a copy was hand-delivered to:

Jessica Bryson, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Kelli Stevens, General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Cathy Brown, Executive Assistant