

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS KS State Board of Healing Arts

In the Matter of)
Harold W. Barkman, Jr., M.D.)
) KSBHA Docket No. 08-HA00154
Kansas License No. 04-22878)
)
)

FINAL ORDER TERMINATING MONITORING REQUIREMENTS

NOW on this 13th day of April 2012, comes before the Kansas State Board of Healing Arts ("Board") the request of Harold W. Barkman, Jr., M.D. ("Licensee") for termination of the monitoring provisions in the Consent Order entered in this matter. Licensee appears in person, and by and through his counsel, Carol Ruth Bonebrake of Holbrook & Osborn, P.A. Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Board.

Pursuant to the authority granted to Board by the Kansas Healing Arts Act, 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 Final Order in the above-captioned matter. After reviewing the file, hearing the statements and arguments of the parties, hearing the testimony of Licensee and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and orders:

1. Harold W. Barkman, Jr., M.D. ("Licensee") is licensed to engage in the practice of medicine and surgery in the State of Kansas, License No. 04-22878, and has been so licensed since approximately December 8, 1989.

2. On or about February 25, 2008, Licensee entered into a Consent Order with the Board

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4. The monitoring requirement was not self-terminating. Under the terms of the Consent Order, Licensee may request termination of monitoring requirements and limitation provisions after five (5) years of monitoring, beginning February 19, 2007.

5. Although the Consent Order, Petition to Terminate Monitoring and Limitation, and the Petitioner's Response to Respondent's Request for Termination of Monitoring and Limitation all contain references to a "limitation," the Board notes that there is no limitation at issue and Licensee's license has never been limited in any manner.

6. On or about February 21, 2012, Licensee filed a written request to the Board seeking termination of the monitoring requirements imposed by the Consent Order.

7. On or about March 16, 2012, the Board filed a Response to Licensee's Motion.


8. Upon review of the evidence, the Board determines that MAP's monitoring reports show no further areas of concern, and it appears that the Licensee has followed all recommendations.

9. Licensee has satisfactorily met all monitoring requirements of the Consent Order and should have no further requirement for compliance.

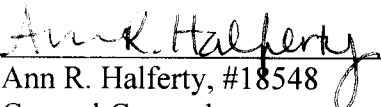
IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee has satisfied all terms and conditions of the monitoring

provisions within Consent Order, and that Licensee's request to terminate the monitoring requirements imposed by the Consent Order is hereby granted.

IT IS SO ORDERED THIS 2 DAY OF MAY, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared by:


Ann R. Halferty, #18548
General Counsel
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER TERMINATING MONITORING REQUIREMENTS** was served this 2nd day of May, 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Harold Barkman Jr., M.D.
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Leawood, KS 66206-**Confidential**

Carol Ruth Bonebrake, Attorney
Holbrook & Osborn, P.A.
107 SW 6th Avenue, Suite 210
Topeka, KS 66603
Licensee's Attorney

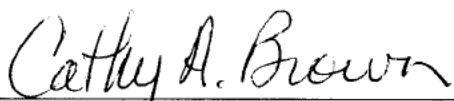
And a copy was hand-delivered to:

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

Melissa Massey, Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

The original was filed with the office of:

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



Cathy Brown
Executive Assistant