

**FILED**

APR 19 1993

**KANSAS STATE BOARD OF HEALING ARTS**

Case No. 93-00032

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of )  
DAVID M. BARTON, Applicant for )  
Registration of Physicians' )  
Assistant )  
\_\_\_\_\_ )

ORDER OF DISMISSAL

NOW, on this 11th day of March, 1993, comes on for consideration the request to withdraw application filed by David Michael Barton (hereafter "Applicant") on March 8, 1993. The Kansas State Board of Healing Arts (hereafter "Board") appears by and through Kevin K. LaChance, Associate Counsel. Applicant appears by and through Whitney B. Damron of Topeka, Kansas.

After reviewing the file, the request for withdrawal of application and being otherwise duly advised in the premises, the Board makes the following Order:

1. On October 12, 1989 and on May 20, 1992, Applicant submitted and resubmitted applications for registration as a physicians' assistant with the Board.

2. At its meeting held February 13, 1993, the Board conducted Summary Proceedings and issued a Summary Order Denying Applicant's Application for Registration as a Physicians' Assistant due to it being incomplete and failing to provide the information required by K.A.R. 100-60-5.

ORDER OF DISMISSAL  
David M. Barton

3. The aforementioned Summary Order was filed in the Board office on February 24, 1993 and served on Applicant and his counsel on February 25, 1993.

4. On February 15, 1993 counsel for Applicant, without knowledge of the summary action taken by the Board at its meeting February 13, 1993, requested that Applicant be allowed to withdraw his application for registration as a physicians' assistant.

5. By letter dated March 5, 1993 and received in the Board office March 8, 1993 and within the time limitations set forth in the aforementioned Summary Order, local counsel for Applicant requested that a hearing be held on Applicant's application for registration as a physicians' assistant pursuant to the Kansas Administrative Procedure Act.

6. By separate request made by Applicant's local counsel dated March 5, 1993 and received in the Board office March 8, 1993, Applicant again requested that his application for registration as a physicians' assistant be withdrawn.

IT IS THEREFORE BY THE BOARD ORDERED AS FOLLOWS:

a. The Summary Order of the Board dated February 13, 1993 be set aside and be of no force and effect for the reason that Applicant filed a Request for Hearing thereon within the time limitations and in accordance with the Kansas Administrative Procedure Act.

b. Applicant's request for withdrawal of his current application for registration as a physicians' assistant in the state of Kansas is hereby granted.

c. All proceedings related to Applicant's application for registration as a physicians' assistant are dismissed and no further proceedings are deemed appropriate or necessary.

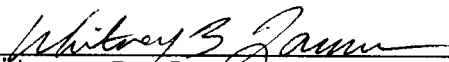
IT IS SO ORDERED.


DATED this 17<sup>th</sup> day of April, 1993.

KANSAS STATE BOARD OF HEALING ARTS

  
LAWRENCE T. BUENING, JR.

Approved by:

  
Whitney B. Damron  
Attorney for Applicant

  
Kevin K. LaChance  
Attorney for Board

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., do hereby certify that on the 19<sup>th</sup> day of April, 1993, a copy of the above and foregoing Order of Dismissal was sent U.S. mail, postage prepaid, first class to the following:


Whitney B. Damron  
Attorney at Law  
400 S.W. 8th, Suite 412  
Topeka, KS 66603

David Michael Barton  
1515 McKinley  
Joplin, MO 64801

Chaim H. Zimbalist  
Attorney at Law  
Fifth Floor, 150 North Meramec  
St. Louis, MO 63105

and a copy was hand-delivered to:

Kevin K. LaChance  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
\_\_\_\_\_  
LAWRENCE T. BUENING, JR. #9125  
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