

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED *CAJ*
JUN 30 2008
KS State Board of Healing Arts

In the Matter of)
Lloyd Bayme, MD)
)
Applicant for Kansas Licensure) **Docket No. 08-HA00218**
_____)

FINAL ORDER

NOW ON THIS 21st day of June, 2008, this matter comes before the Kansas State Board of Healing Arts (“Board”) upon the application of Lloyd Bayme, M.D. to practice medicine and surgery in the state of Kansas. Kathleen Selzler Lippert appears on behalf of the Disciplinary Panel. Applicant appears *pro se*.

After reviewing the agency record, hearing the arguments of the parties, and being duly advised in the premises, the Board finds, concludes and orders as follows:

1. On June 4, 2008, Applicant filed a complete application with the Board for a license to practice medicine and surgery.
2. Applicant had a malpractice settlement in year 1991 in the amount of \$250,000 stemming from allegations that he failed to adequately manage a patient’s diabetes.
3. In November 1997, Licensee surrendered his New York license to practice medicine and surgery after being charged with failing to comply with New York state laws governing the practice of medicine when he issued prescriptions for controlled substances without medical justification.
4. Applicant disclosed that in 1998, he was criminally charged in Kings County, New York with conspiracy, the criminal sale of a prescription for controlled substances, and five counts of falsifying business records. Applicant further disclosed that he plead guilty to

conspiracy and was sentenced to five years probation, fined \$40,000, and ordered to complete 1,820 hours of community service.

5. As a result of his felony conviction relating to inappropriate prescribing of controlled substances, Applicant has been excluded from participating in Medicare, Medicaid and all other federal health programs.

6. In 2004, Applicant was denied restoration of his New York medical license.

7. In January 2006, the Georgia Composite Board of Medical Examiners denied Applicant's application for a license to practice medicine and surgery based on the surrender and the subsequent denial of the restoration of his New York license.

8. In March 2006, the Delaware Board of Medical Practice denied Applicant's application for a license to practice medicine and surgery for failure to meet the requirements of licensure.

9. In November 2006, the North Dakota State Board of Medical Examiners denied Applicant's application for a license to practice medicine and surgery based on his felony conviction, exclusion from federal health programs and the adverse actions taken by the states of New York and Delaware.

10. Applicant has not practiced for about ten (10) years. In February 2008, Applicant completed a clinical skills assessment at the Center for Personalized Education for Physicians ("CPEP") in Denver, Colorado. **(Confidential)**

(Confidential)

(Confidential)

11. There are grounds to deny Applicant's application for licensure pursuant to K.S.A. 65-2836(c), which provides, "In the case of a person who has been convicted of a felony and who applies for an original license or to reinstate a canceled license, the application for a license shall be denied unless a 2/3 majority of the board members present and voting on such application determine by clear and convincing evidence that such person will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust."

12. There are grounds to deny Applicant's application for licensure pursuant to K.S.A. 65-2836(j), which provides, "The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof."

13. There are grounds to deny Applicant's application for licensure pursuant to K.S.A. 65-2836(s), which provides, "Sanctions or disciplinary actions have been taken against the licensee by a peer review committee, health care facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section."

14. There are grounds to deny Applicant's application for licensure pursuant to K.S.A. 65-2836(u), which provides, "The licensee has surrendered a license or authorization to practice the healing arts in another state or jurisdiction, ...for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section."

15. There are grounds to deny Applicant's application for licensure pursuant to K.S.A. 65-2836(w), which provides, "The licensee has an adverse judgment, award or settlement against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section."

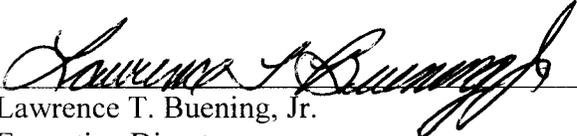
16. There are grounds to deny Applicant's application for licensure pursuant to K.S.A. 65-2836 as further defined by K.S.A. 65-2837(a)(3), which defines professional incompetence as follows, "A pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice medicine."

17. Considering Applicant's disciplinary history, felony conviction, malpractice settlement and evidence of professional incompetency, Applicant's application should be denied.

IT IS THEREFORE ORDERED that the application of Lloyd Bayme, M.D. for a license to practice medicine and surgery in the state of Kansas 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 District Court as authorized under the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any such petition must be served upon the Board addressed to the Executive Director, 235 S. Topeka Boulevard, Topeka, Kansas 66603. A request for reconsideration is not a prerequisite for judicial review.

KANSAS STATE BOARD OF HEALING ARTS



Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

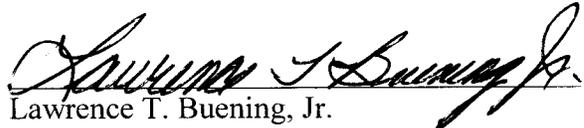
I, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 30th day of June, 2008 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Lloyd Bayme, M.D.
3 Woodland Place
Great Neck, NY 11021

and a copy hand delivered to the office of:

Kathleen Selzler Lippert, Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original filed with the office of the Executive Director.


Lawrence T. Buening, Jr.
Executive Director