



Suspend, or Otherwise Limit Licensure. The Petition was sent to respondent's last known address at 13303 Whispering Palms SW, No. 106R, Largo, Florida 34644.

3. On December 9, 1993, the presiding officer served upon petitioner and respondent a copy of the Notice of Pre-Hearing Conference by first class mail. This notice advised the parties that a pre-hearing conference was scheduled for January 6, 1994.

4. When this matter came on for pre-hearing conference on January 6, 1994, the respondent failed to appear either in person or through counsel. Neither the Petition nor the Notice of Pre-Hearing Conference were returned to the sender. The presiding officer found respondent to be in default. Petitioner introduced exhibits 1 through 7 in support of its Petition, which exhibits were admitted subject to objections in the event a default order would be vacated.

5. On January 7, 1994, the presiding officer mailed his Notice of Proposed Default Order to respondent. More than seven days have elapsed since service of the proposed default order and there has been no response by respondent.

6. The presiding officer has admitted into evidence exhibits 1 through 7 and has reviewed the contents of these exhibits. The evidence presented by petitioner and admitted by the presiding officer shows the following:

(a) On or about December 23, 1988, respondent obtained money from American Investment Bank by false and fraudulent pretenses in the amount of \$35,000.00. Criminal charges were

brought against respondent for violation of Title 18 USC Sections 1344 and 2 and he was subsequently convicted of these charges in the United States District Court for the Federal District of Florida on August 25, 1993 in Case No. 93-54-CR-T-99(A). (Petitioner's Exhibit #2).

(b) Based on findings of fact and conclusions of law which constituted specific violations of Nebraska law, respondent's application to practice medicine and surgery in Nebraska, was denied June 21, 1993. It was ordered that no such license should be issued. (Petitioner's Exhibit #3).

(c) Commencing in May, 1988 until on or before December 23, 1988, respondent gave false statements in making loan applications to American Investment Bank for the purpose of setting up a medical practice regarding (a) the purpose of the loan, (b) his sources of income, (c) the existence of certain receivables, (d) his status as a defendant in a lawsuit or legal action, (e) the value of his assets, (f) the continued existence of his corporation, (g) the fact that Licensee and/or his corporation owed any federal taxes or had been threatened with or assessed with a tax deficiency, (h) the fact that Licensee had lost his employment contract with Humana/IMC, his principal source of income, (i) the fact that Licensee was on probation with the Florida Department of Professional Regulation, (j) the fact that a hearing was pending regarding further charges against Licensee by the Florida Department of Professional Regulation, (k) the fact that Licensee faced suspension or revocation of his license to

practice medicine in the state of Florida, and thus his livelihood and the stated purpose of the loan. (Petitioner's Exhibit #2).

(d) On October 11, 1989, a final order was entered by the Department of Professional Regulation Board of Medicine in the State of Florida approving a stipulation agreement whereby respondent permanently relinquished his license to practice medicine in the State of Florida and to never seek reinstatement of said license in Florida. The stipulation agreement was prompted by a Recommended Order dated July 11, 1989 after formal proceedings which included the introduction of evidence by the board and respondent. The Recommended Order found that respondent failed to keep written medical records justifying his course of treatment, filed a report which respondent knew to be false, and failed to conform to minimal acceptable community medical standards, all of which were violations of Florida law. (Petitioner's Exhibit #1).

(e) On December 11, 1992, by Stipulation and Agreement and Enforcement Order, respondent agreed to permanently cease the practice of obstetrics within the State of Kansas as a result of an act of professional incompetency. (Petitioner's Exhibit #4).

#### **CONCLUSIONS OF LAW**

1. The Proposed Default Order has become effective and the presiding officer has authority to complete the adjudication herein without the participation of respondent pursuant to K.S.A. 77-250.

2. Respondent has been convicted of a felony within the purview of K.S.A. 65-2836(c).

3. Respondent's application for a license to practice the healing arts was denied in Nebraska within the purview of K.S.A. 65-2836(j).

4. Respondent has committed acts of unprofessional conduct within the purview of K.S.A. 65-2836(b) as defined in K.S.A. 65-2937(b)(17) by giving false, fraudulent and deceptive statements in connection with the practice of the healing arts in Florida.

5. Disciplinary actions have been taken against respondent by the Department of Professional Regulation Board of Medicine in the State of Florida for acts and conduct which would constitute grounds for disciplinary action in the State of Kansas within the purview of K.S.A. 65-2836(s).

6. Respondent has committed acts of professional incompetency both in Florida and Kansas within the purview of K.S.A. 65-2836(b).

It is the presiding officer's recommendation that respondent's license to engage in the practice of medicine and surgery in the State of Kansas be revoked pursuant to K.S.A. 65-2836.

It is further the recommendation of the presiding officer that the cost of these proceedings be assessed against respondent in accordance with K.S.A. 65-2846.

The Initial Order of the presiding officer shall become a final order in accordance with K.S.A. 77-526(b) unless a motion for review is filed within fifteen (15) days upon receipt of this order in accordance with the provisions of K.S.A. 77-527.

IT IS SO ORDERED.

  
Floyd E. Gehrt  
Presiding Officer  
5601 SW Barrington Ct. So.  
P.O. Box 4306  
Topeka, Kansas 66604-0306  
(913)273-7722

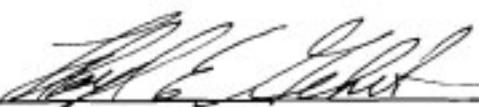
**CERTIFICATE OF SERVICE**

I, Floyd E. Gehrt, hereby certify that on the 11 day of February, 1994, a true and correct copy of the above and foregoing INITIAL ORDER was deposited in the United States mail, postage prepaid, to the following:

Bernardo G. Bilang, M.D.  
13303 Whispering Palms SW, #106R  
Largo, Florida 34644

Lawrence T. Buening, Jr.  
Executive Director  
Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

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

  
Floyd E. Gehrt

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

APR 07 1994

**KANSAS STATE BOARD OF  
HEALING ARTS**

IN THE MATTER OF )  
 )  
BERNARDO G. BILANG, M.D. )  
Kansas License #04-22595 )  
\_\_\_\_\_ )

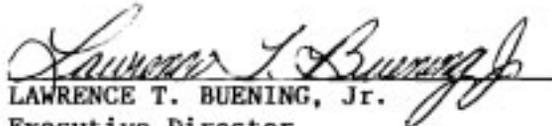
CASE # 94-00042

JOURNAL ENTRY

COMES NOW, the Kansas State Board of Healing Arts, sitting as agency head this twelfth day of March, 1994, to consider the Initial Order issued by the Presiding Officer in the abovementioned case on the fifteenth day of February, 1994. Neither party in this matter has requested review of the Initial Order. The agency head does not wish to review the Initial Order. In accordance with K.S.A. 1993 Supp. 77-530(b), the Initial Order shall become the Final Order of the Kansas State Board of Healing Arts effective the sixteenth day of March, 1994.

IT IS SO ORDERED.

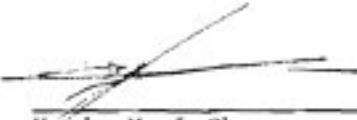
KANSAS STATE BOARD OF HEALING ARTS

  
LAWRENCE T. BUENING, Jr.  
Executive Director

CERTIFICATE OF SERVICE

I, Kevin K. LaChance, Disciplinary Counsel, Kansas State Board of Healing Arts, hereby certify that I served a true and correct copy of the **Journal Entry** by United State mail, first class postage prepaid, on this 7<sup>th</sup> day of April, 1994, to:

Dr. Bernardo Bilang  
13303 Whispering Palms SW, #106R  
Largo, Florida 34644

  
\_\_\_\_\_  
Kevin K. LaChance