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KS State Board of Healing Arts

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

**In the Matter of** )  
**Mark Brodie, M.D.** )  
 )  
**Application for Licensure** )  
\_\_\_\_\_ )

Docket No. 11-HA00006

**FINAL ORDER**  
**(Pursuant to K.S.A. 77-501 et seq. )**

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“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 Final Order in the above-captioned matter. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

**I. Findings of Fact**

The Board has been shown the following facts:

1. Mark Brodie (“Applicant”) (confidential) Kailua, HI 96734, submitted an Application for Licensure to Practice Medicine and Surgery (“Application”) in the State of Kansas on December 11, 2009.
2. On June 8, 2010, the Board received the Federation Credentials Verification Services (“FCVS”) packet on Applicant.
3. On June 15, 2010, the Application was reviewed and returned to the Board Application Analyst to obtain updated information on the Applicant’s criminal background report and verification of state licenses.

4. Due to the expiration of the three (3) month valid period on the criminal background report and the six (6) month valid period for verification of state licenses, Applicant was asked to submit updated information.
5. On June 25, 2010, via e-mail, Applicant requested the information be considered without regard to the expiration dates due to the fact the Applicant was deployed overseas for the United States military and because of a clerical error on the part of FCVS.
6. Applicant currently holds active licenses in the states of Georgia, Ohio, and Texas.

## **II. Applicable Law**

- a. K.S.A. 65-2833

## **III. Public Policy Statement**

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

## **IV. Conclusions of Law**

Based upon the Findings of Fact enumerated in Paragraphs #1 through #6, the Applicable Law and the Public Policy Statement set forth above:

### **THE BOARD HEREBY CONCLUDES AS FOLLOWS:**

7. Applicant is eligible for licensure by endorsement by virtue of his licensure to practice in the states of Georgia, Ohio, and Texas pursuant to K.S.A. 65-2833.

8. Applicant is currently deployed overseas in the United States military.
9. Applicant states that information and documentation supporting Applicant's Application for licensure was delayed by a clerical error on the part of FCVS.
10. Applicant has not had his license limited, suspended, or revoked or been censured or had other disciplinary action taken against his license.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:**

11. Applicant is hereby **GRANTED** licensure by endorsement pursuant to K.S.A. 65-2833.
12. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

**IT IS SO ORDERED THIS 2 DAY OF Sept, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler Lippert  
Executive Director  
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. 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 235 SW Topeka Blvd., Topeka, KS 66603.

**CERTIFICATE OF SERVICE**

I, hereby certify that a true copy of the foregoing Final Order was served this 2<sup>nd</sup> day of September, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

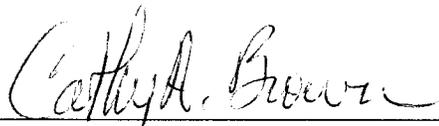
Dr. Mark Brodie, M.D.  
(confidential)  
Kailua, HI 96734

And a copy was hand delivered to the office of:

Julia Mowers, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603  
The original filed with:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

  
Cathy Brown, Executive Assistant