

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
FEB 26 2010

CAF

KS State Board of Healing Arts

In the Matter of }
CHRISTOPHER P. CEMAN, M.D. }
 }
Kansas License No. 04-29081. }
_____ }
 }
Docket No. 10-HA-00030
OAH NO. 10-HA0002

FINAL ORDER

NOW this February 19, 2010 the above captioned matter comes before the Kansas State Board of Healing Arts (“Board”) on the Respondent’s Motion for a Continuance and the Board’s Review of an Initial Order. The Board appears by and through Kelli Stevens, Litigation Counsel. There are no other appearances. The Board, after hearing the statements of counsel, having reviewed the file and being duly apprised of the Premises finds and concludes as follows:

WHEREUPON, the Board takes up the respondent’s Motion to Continue until the next Board meeting. The Motion is DENIED.

WHEREUPON, the Board reviews the Initial Order of the Presiding Officer:

1. A Summary Order was issued by the Board on September 21, 2009 stating the Phillips County Hospital dismissed the respondent from employment (confidential)
(confidential) The respondent timely filed a Motion for a Hearing on the Summary Order.
2. A Conference Hearing was held by telephone on October 9, 2009 where the respondent admitted to the facts of the Summary Order.
3. In the Initial Order, the Presiding Officer publically censured the respondent for violating K.S.A. 65-2836(s).

THEREFORE, the Board adopts the Initial Order of the Presiding Officer and incorporates the Initial Order to this Final Order by reference.

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 Acting Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.

DATE: February 26, 2010.

KANSAS STATE BOARD OF
HEALING ARTS



Kathleen Selzler Lippert
Acting Executive Director
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing FINAL ORDER was served by depositing the same in the United States mail, first-class postage prepaid, this 26th day of February, 2010, addressed to:

Christopher Ceman, M.D.

(confidential)

Phillipsburg, KS 67661

Kelli Stevens

Litigation Counsel

235 SW Topeka Blvd.

Topeka, KS 66603-3068

And the original was filed with

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



FILED

BEFORE THE KANSAS BOARD OF HEALING ARTS

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KS State Board of Healing Arts

In the Matter of)
)
Christopher Ceman, M.D.)
Kansas License No. 04-29081)
_____)

Docket No. 10-HA00030

OAH No. 10HA0002

INITIAL ORDER

The above-captioned matter comes on for decision by Tracy T. Diel, designated by the Kansas Board of Healing Arts and the Office of Administrative Hearings (OAH) as the Presiding Officer in this hearing on the Summary Order filed by the Agency (Petitioner). The Summary Order was filed with the Kansas Board of Healing Arts on September 21, 2009.

The Respondent, Christopher Ceman, M.D., filed a response to the Summary Order with the Kansas Board of Healing Arts. The Respondent requested a hearing on September 29, 2009.

The Presiding Officer set the matter for a prehearing conference by notice sent to the parties on October 9, 2009. The prehearing conference was held on October 28, 2009 at 11:30 a.m. by telephone. Appearing by telephone for the prehearing conference was the Presiding Officer, the Respondent Christopher Ceman, M.D. and Kathleen Selzler Lippert, Litigation counsel for the Petitioner.

Pursuant to K.S.A. 77-533, this matter was converted to a conference hearing.

Findings of Fact

1. The Respondent, Christopher P. Ceman, M.D., was originally issued license number 04-29081 to practice medicine and surgery in the State of Kansas on April 28, 2001 by the Kansas Board of Healing Arts.
2. The Respondent's current license status is exempt.
3. The Respondent's license was renewed by the Kansas Board of Healing Arts on June 10, 2009.
4. On or about January 2006, Phillips County Hospital dismissed the Respondent from their employment. (confidential)
(confidential)

5. The Kansas Board of Healing Arts issued a Summary Order on September 21, 2009, publicly censuring the Respondent.
6. The Respondent timely requested a hearing on the summary order in writing on September 29, 2009.
7. The Respondent acknowledged the dismissal from Phillips County Hospital.
8. (confidential)
9. (confidential)
10. (confidential)

Applicable Law

1. K.S.A. 65-2836 states in part:

Revocation, suspension, limitation or denial of licenses; censure of licensee; grounds; consent to submit to mental or physical examination or drug screen, or any combination thereof, implied. A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:
2. K.S.A. 65-2836(s) states:

(s) 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.
3. K.S.A. 77-542 states:

Right to request hearing; statement filed.(a) Any notice of agency action resulting in a right to request a hearing pursuant to the Kansas administrative procedure act must include a statement informing the person that a written request for a hearing must be filed with the agency within 15 days of service of the notice.

(b) The time limit for requesting a hearing established by subsection (a) may be lengthened or shortened as otherwise provided by state or federal law.

4. K.S.A. 77-533 states:

Conference hearing; use, when. A conference hearing may be used if its use in the circumstances does not violate any provision of law and where there is:

(a) A matter in which there is no disputed issue of material fact;
or

(b) a matter in which there is a disputed issue of material fact and the parties agree to a conference hearing.

Conclusions of Law

1. Respondent has been issued a license by the Kansas Board of Healing Arts and is, therefore, subject to the jurisdiction of the Board.
2. The matter before the Presiding Officer involves a licensee of the Kansas Board of Healing Arts and the practice of the healing arts in Kansas and is, therefore, subject to the jurisdiction of the Board.
3. In accordance with K.S.A. 65-2836, the authority exists to censure the license of the Respondent.
4. The Respondent was dismissed from the employment at Phillips County Hospital.
5. K.S.A. 65-2836(s) provides the Petitioner the authority to discipline the Respondent as a result of being dismissed by Phillips County Hospital.
6. The hearing on the Petitioner's Summary Order issued September 21, 2009 was held in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501 *et. seq.*

Conclusion

There are no issues of fact before the Presiding Officer. Based upon the discussion with the parties during the prehearing conference, this matter was converted to a conference hearing.

K.S.A. 65-2836 provides the Petitioner with the authority to discipline the Respondent. The Respondent was dismissed from employment at Phillips County Hospital on or about January 2006. There is no dispute that the Respondent was dismissed from employment. As a result, the Petitioner has disciplined the Respondent.

The discipline imposed was a public censure. The evidence establishes that a public censure is appropriate. Given the amount of time which has transpired between the loss of employment and the issuance of the Summary Order, no other discipline should be imposed. In addition, costs should not be imposed against the Respondent.

The discipline imposed by the Kansas Board of Healing Arts through the Summary Order issued on September 21, 2009 is appropriate.

IT IS SO ORDERED.

Pursuant to K.S.A. 77-527, either party may appeal this initial order. A petition for review must be filed within 15 days from date of this initial order. Failure to timely request review may preclude further judicial review. If neither party requests a review, this initial order becomes final and binding on the 30th day following its mailing. Petitions for review shall be mailed or personally delivered to the Office of the Interim Executive Director, Kansas Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.


Tracy T. Diel
Presiding Officer
Office of Administrative Hearings

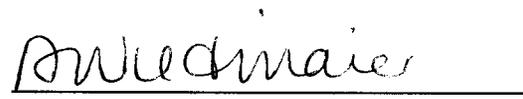
CERTIFICATE OF SERVICE

I hereby certify that I filed this original INITIAL ORDER by depositing in the United States mail, postage prepaid on Nov 6, 2009, addressed to:

Christopher Ceman, M.D.
(confidential)
Phillipsburg, KS 67661

Office of the Interim Executive Director
Kansas Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603
Telephone: 785-296-7413

Kelli J. Stevens, Staff Attorney
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235 SW Topeka Blvd.
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Staff Person
Office of Administrative Hearings