

FILED

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

APR 30 1992

In the Matter of)
)
STEPHEN SCOTT CORDER, M.D.)
Kansas License No. 4-18093)
_____)

KANSAS STATE BOARD OF
HEALING ARTS
Case No. 89-00097-3

FINAL ORDER

NOW, on this 11th day of April, 1992, comes on for hearing before the Kansas State Board of Healing Arts (hereinafter "Board"), the Petition of Stephen Scott Corder, M.D. (hereinafter "Respondent") for review of Order of April 9, 1992 served and made by Wendell Betts, Presiding Officer in the above entitled matter.

NATURE OF THE CASE

1. An Order of Emergency Suspension of License was issued by the Board on March 13, 1989, temporarily suspending Respondent's license and (confidential)

(confidential)

2. On May 1, 1990, the Board, through its Disciplinary Counsel, Joseph M. Furjanic, filed a Petition to take disciplinary action against Respondent for violation of the Order of March 13, 1989, (confidential) [On June 22, 1990, an Amended Petition was filed correcting the statutory provision of K.S.A. 1988 Supp. 65-2836(k)]. Also, on May 1, 1990,

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Michael A. Barbara was appointed Presiding Officer in the administrative proceedings on the Petition as subsequently amended.

3. On May 6, 1991, the Presiding Officer issued an Initial Order entitled "Findings of Fact, Conclusions of Law and Memorandum Opinion".

4. On August 17, 1991, the Board issued a Final Order in which certain provisions of the Initial Order dated May 6, 1991 were amended, supplemented and/or deleted. The August 17, 1991 Final Order issued by the Board provided, inter alia, for the continuation of the suspension of the license of Respondent in accordance with the Emergency Order of Suspension and indefinitely suspended the license of Respondent for his violation of lawful Order of the Board

(confidential)

as directed by the March 13, 1989 Order. Further, the August 17, 1991 Final Order again ordered Respondent

(confidential)

(confidential)

5. On November 25, 1991, Respondent filed, pursuant to K.S.A. 1991 Supp. 65-2836(i), a Request for Opportunity to Demonstrate Competency to Practice the Healing Arts.

6. Pursuant to Notice filed December 2, 1991, Respondent's Request for Opportunity to Demonstrate Competency to Practice the Healing Arts was scheduled for consideration before the Board on December 13, 1991.

7. At its meeting on December 13, 1991, the Board issued an Order for Formal Proceedings and Prehearing Conference.

8. On January 24, 1992, a Notice of Prehearing Conference was filed setting the Respondent's Request for Opportunity to Demonstrate Competency to Practice the Healing Arts for Prehearing Conference on February 8, 1992 at 10:00 a.m.

9. During the Prehearing Conference on February 8, 1992, the Board took action directing that the Request for Opportunity to Demonstrate Competency to Practice the Healing Arts proceed to formal hearing and that a Presiding Officer designated by the Board's Executive Director be appointed to hear the matter.

10. On February 19, 1992, Wendell Betts was appointed as Presiding Officer to hear Respondent's Request for Opportunity to Demonstrate Competency to Practice the Healing Arts.

11. On April 9, 1992, Wendell Betts, as Presiding Officer, issued an Order Upon Stipulated Facts.

12. On April 10, 1992, Respondent filed a Petition for Review of Order of the April 9, 1992, Order Upon Stipulated Facts issued by the Presiding Officer.

WHEREUPON, Respondent's Petition for Review came on before the Board sitting as a whole as agency head at the regular meeting of the Board conducted April 11, 1992. Board members present were: John P. White, D.O., President; Rex A. Wright, D.C., Vice-President; Franklin Bichlmeier, M.D.; Donald Bletz, M.D.;

Jimmy Buller, D.O.; Howard D. Ellis, M.D.; Edward J. Fitzgerald, M.D.; Harold Guldner; Irwin Waxman, D.P.M.; Kenneth D. Wedel, M.D. and Richard A. Uhlig, D.O.

Respondent appeared in person and by and through his attorney, Alan V. Johnson. Steve A. Schwarm, General Counsel, appeared for the Board.

Counsel for Respondent submitted oral arguments in support the Petition for Review of Order of April 9, 1992. The Board General Counsel filed a Memorandum in Partial Opposition to Licensee's Petition for Review of Order of April 9, 1992 and presented oral arguments. Thereafter, the Board went into a closed session for deliberation of quasi-judicial matters as authorized by K.S.A. 75-4318. Following a return to an open meeting, the Board, upon Motion duly made, seconded and carried, makes the Findings of Fact and Conclusions of Law:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. In the Petition for Review of Order of April 9, 1992, Respondent requested expedited consideration of the Petition and specifically waived any Notice of the Board's action on the Petition.

2. During the course of the proceedings before the Board on Respondent's Petition for Review, Respondent specifically waived the opportunity to present a brief in support of the Petition for

Review. The General Counsel for the Board also waived the opportunity to file any additional brief.

3. During the course of the proceedings before Presiding Officer Wendell Betts, Respondent submitted written reports rendered by John H. Wisner, M.D. and Robert A. Nash, M.D. It is stipulated and agreed by counsel for both parties that the letter rendered by Robert A. Nash, M.D. dated December 10, 1991 and the

(confidential) of John H. Wisner, M.D. dated January 7, 1992 should be made available to the Board as part of its review of the Initial Order and such be made part of the official agency record in this matter.

4. During the course of the proceedings before the Presiding Officer, it was represented to the Presiding Officer that William Logan, M.D. and William L. Albott, Ph.D. had rendered oral opinions as to (confidential) of Respondent to

resume the practice of medicine and surgery in the state of Kansas. A written (confidential) report issued by William L. Albott, Ph.D., dated April 9, 1992 was received and filed in the Board office on that date. It is stipulated and agreed by and between the parties that such (confidential) report should be made part of the official agency record and considered by the Board in its review of Respondent's Petition for Review.

5. (confidential)

(confidential)

(confidential)

Respondent should now be considered to have complied with the Board Order (confidential) as set forth in the Order of Emergency Suspension of License dated March 13, 1989 and the Final Order issued by the Board dated August 17, 1991 without prejudice or waiver to issues relating to Respondent's case pending in Shawnee County District Court and without admission that Respondent considers said prior Orders of the Board to be lawful. Counsel for Respondent acknowledged that the March 13, 1989 Emergency Order, the August 17, 1991 Final Order of the Board and the Order of Judge Theis in the District Court case filed by Respondent are all currently considered lawful and valid.

6. That the Order Upon Stipulated Facts constitutes a partial Initial Order on the Respondent's Request to Demonstrate Competency to Practice the Healing Arts and, based upon the provisions of K.S.A. 77-527(e), is required to be reviewed as a result of Respondent's filing the Petition for Review of said Order on April 10, 1992.

7. The Order Upon Stipulated Facts issued by Presiding Officer Wendell Betts and filed April 9, 1992 should be adopted in its entirety and the provisions thereof incorporated herein as though fully set forth.

8. The Presiding Officer's Order Upon Stipulated Facts should be supplemented as follows:

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a. As a Finding of Fact,

(confidential)

(confidential)

(confidential) constitute
compliance with the Board's Orders of March 13, 1989 and August 17,
1991 (confidential) and such
reports reflect Respondent is (confidential) competent to
resume the practice of medicine and surgery in the state of Kansas.

b. That no additional disciplinary action should be
imposed upon Respondent for Respondent's failure to have more
expeditiously complied with the March 13, 1989 and August 17, 1991
Board Orders (confidential)

c. Further, there should be no disciplinary action
imposed upon Respondent in addition to the indefinite suspension
of Respondent's license as set forth in the August 17, 1991 Order
which was imposed due to Respondent's violation of a lawful Order
of the Board (confidential)

d. The suspension of the license issued to Stephen Scott
Corder, M.D. to practice medicine and surgery in the state of
Kansas should be immediately lifted.

e. Respondent Stephen Scott Corder, M.D. should be
authorized to return to the active practice of medicine and surgery
in this state upon a showing of compliance with the continuing
education requirements of the Board pursuant to Rules and

Regulations and providing proof of professional liability insurance in compliance with Kansas law.

ORDER AND BOARD ACTION

NOW, THEREFORE, based upon the aforementioned Findings of Fact and Conclusions of Law the Board enters the following Order:

a. The Findings of Fact and Conclusions of Law hereinabove made be and the same are hereby made the Final Order of the Board.

b. As Respondent was successful on the Request for the Opportunity to Demonstrate Competency to Practice the Healing Arts, costs associated with such request and review of the Order Upon Stipulated Facts shall be paid from the Healing Arts Fee Fund.

NOTICE REGARDING RELIEF FROM THIS ORDER

This Order is a Final Order. Any party may file a "Petition for Reconsideration" with the Board within fifteen (15) days of service of this Order. Such Petition is not a prerequisite for seeking judicial review.

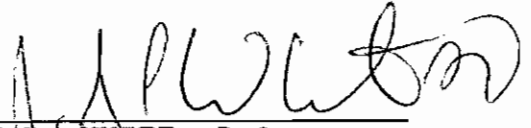
Judicial review of this Order may be sought by filing a Petition for Judicial Review in the District Court in the state of Kansas, County of Shawnee, Third Judicial District, or in another District wherein venue is proper along with payment of the docket fee as required by K.S.A. 60-2201. Such Petition is timely if filed within thirty (30) days of this Order, but such time is

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extended during the pendency of timely attempts to exhaust administrative remedies.

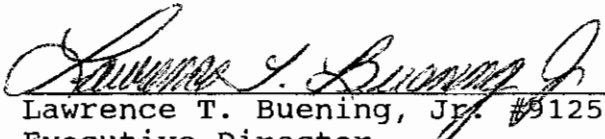
This Final Order shall become effective upon service, but may be stayed in accordance with K.S.A. 77-528 and K.S.A. 77-616.

DATED this 22nd day of April, 1992.



JOHN P. WHITE, D.O.
President

Prepared by:



Lawrence T. Buening, Jr. #9125
Executive Director
Kansas State Board Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-7413

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CERTIFICATE OF SERVICE

This is to certify that true and correct copies of the **FINAL ORDER** were served by depositing same in the United States mail, first class postage prepaid, this 30th day of April, 1992, to:

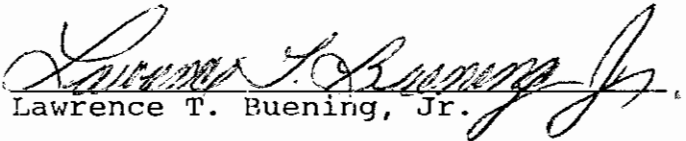
Stephen Scott Corder, M.D.
Route 2, Box 362
Ottawa, Kansas 66067

Alan V. Johnson
SLOAN, LISTROM, EISENBARTH,
SLOAN & GLASSMAN
700 Kansas Avenue, Suite 714
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Jay C. Hinkel
5893 S.W. 29th Street
Topeka, Kansas 66614

and a copy was hand-delivered to:

Steve A. Schwarm
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603


Lawrence T. Buening, Jr.