

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

JUN 26 1996

IN THE MATTER OF)
)
ARTHUR P. DOWELL, M.D.)
Kansas License No. 4-19271)
_____)

KANSAS STATE BOARD OF
HEALING ARTS

Case No. 94-00114

FINAL ORDER

NOW ON THIS Twenty-second day of June, 1996, comes before the Board for final action the Proposed Default Order issued February 23, 1996. Having the record before it, the Board finds as follows:

1. The Proposed Default Order issued February 23, 1996 was properly served by first class mail, postage prepaid, to Respondent at his last known address. The Proposed Order was not returned as undeliverable.
2. The Proposed Default Order was also sent by certified mail, return receipt requested. The envelope was returned to the Board as unclaimed.
3. Respondent has not sought relief from the proposed order, nor has he appeared before the Board to defend the allegations made against him.

IT IS, THEREFORE, ORDERED THAT the Proposed Default Order shall issue and become the Final Order of the Board, and the same is attached hereto and incorporated by

reference. Respondent's license to practice medicine and surgery is hereby revoked.

ENTERED THIS 26th day of June, 1996.



LAWRENCE T. BUENING, JR.
Executive Director

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 27th day of June, 1996, a true and correct copy of the above and foregoing **FINAL ORDER** was deposited in the United States mail, postage prepaid, first class to the following:

Arthur P. Dowell, M.D.
7540 Leavenworth Road, Suite 113
Kansas City, Kansas 66109

and a copy was hand-delivered to:

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



FINAL ORDER
Arthur P. Dowell, M.D.

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FEB 23 1996

KANSAS STATE BOARD OF HEALING ARTS

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

IN THE MATTER OF)
)
ARTHUR P. DOWELL, M.D.)
Kansas License No. 4-19271)
_____)

Case No. 94-00114

PROPOSED DEFAULT ORDER

NOW ON THIS 17th day of February, 1996, comes on for hearing a Petition to Revoke, Suspend or Otherwise Limit Licensure. The State Board of Healing Arts appears through Kevin K. LaChance, Disciplinary Counsel. Respondent does not appear either in person or through counsel.

Respondent is held in default on the basis of his non-appearance.

After hearing the arguments of counsel, and having the record before it, the Board enters the following proposed default order.

FINDINGS OF FACT

1. Respondent is licensed by the Board to practice medicine and surgery, having been issued license number 04-19271. Such license was last renewed June 29, 1995.
2. Respondent was served with the Petition by regular United States Mail. Further, Respondent was served with a notice of this hearing more than 10 days prior to the hearing.
3. On or about April 29, 1993, the Board of Medical Examiners for the State of Iowa revoked Respondent's medical license issued by that state. The Iowa disciplinary action primarily was based upon investigation of a complaint which resulted in a finding that Respondent did not maintain medical records of treatment. Respondent told the Iowa

investigator that the records were maintained in his Olathe, Kansas office.

4. On or about January 9, 1996 this Board issued a subpoena for specified medical records. Respondent failed to furnish to the Board's investigator specified medical records. By way of letter dated January 15, 1996, Respondent indicated that he did not have such records.

5. Based upon the above stated findings, the Board infers that Respondent did not keep medical records to describe the type and basis for professional services rendered. Alternatively, the Board infers that any record, whether or not adequate, has not been produced pursuant to a valid subpoena.

CONCLUSIONS OF LAW

6. The Board may revoke, suspend, limit or censure a license upon a finding that a licensee has committed an act in violation of K.S.A. 1995 Supp. 65-2836, or an act of unprofessional, incompetent or dishonorable conduct.

7. Having a license revoked by another state for grounds which are similar to those grounds for action in this state is a violation of K.S.A. 1995 Supp. 65-2836.

8. Failing to furnish to this Board or its investigators any information legally requested by the Board constitutes grounds for disciplinary action under K.S.A. 1995 Supp. 65-2836(r).

9. Failing to keep written medical records which accurately describe professional services rendered constitutes an act of unprofessional conduct under K.S.A. 1995 Supp. 65-2837(b)(25) and an act of dishonorable conduct under K.A.R. 100-24-1(a).

IT IS, THEREFORE, ORDERED THAT the license of Arthur P. Dowell, M.D. is hereby revoked.

IT IS FURTHER ORDERED THAT the order of revocation is stayed until the April 27, 1996 Board meeting, at which time a Final Order may be issued either setting aside or making effective this Proposed Default Order.

DATED this 21st day of February, 1996.



LAWRENCE T. BUENING, JR.
Executive Director

NOTICE REGARDING RELIEF

This is a proposed default order. Relief may be obtained by filing with the Executive Director of the Board a motion to set aside the proposed order. Such motion must be filed on or before 14 calendar days following the date of service of this order. Such motion must state a grounds for setting aside the order, including an explanation for non-appearance, and must state a meritorious defense to the allegations.

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 23rd day of February, 1996, a true and correct copy of the above and foregoing **PROPOSED DEFAULT ORDER** was deposited in the United States mail, postage prepaid, first class to the following:

Arthur P. Dowell, M.D.
7540 Leavenworth Road, Suite 113
Kansas City, Kansas 66109

and a copy was hand-delivered to:

Kevin K. LaChance
Disciplinary Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
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LAWRENCE T. BUENING, JR.