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Kansas Board of Healing Arts *mw*

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

In the Matter of)
Jacqueline C. Du Bois, MD.)
)
Kansas License No. 04-32450)
_____)

KSBHA Docket No. 11-HA00111

**JOURNAL ENTRY OF FINAL ORDER AND
GRANT OF PETITION FOR RECONSIDERATION**

COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through its Executive Director, Kathleen Selzler Lippert, a duly authorized representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, as amended, and upon due consideration of the file and applicable statutes, and being otherwise duly advised in the premises, makes the following determinations:

1. Jacqueline C. Du Bois, M.D. (“Licensee”) has, since approximately June 8, 2007, maintained License No. 04-32450 to engage in the practice of medicine and surgery in the State of Kansas.

2. Licensee’s mailing addresses of record with the Board is: confidential , Junction City, Kansas 66441.

3. On June 8, 2011, Executive Director Selzler Lippert, in accordance with K.S.A. 2010 Supp. 77-514, and as authorized by K.S.A. 2010 Supp. 65-2836 and K.S.A. 65-2863a, issued a Summary Order publicly censuring Licensee and assessing a civil fine of \$500.00 for Licensee’s failure to provide the Board with lawfully requested information, in violation of K.S.A. 2010 Supp. 65-2836(r) of the Kansas Healing Arts Act. The Summary Order ordered Licensee to remit the assessed civil fine to the Board within thirty (30) days following the effective date of the Summary Order. The Summary Order also ordered Licensee to provide the

Board with the lawfully requested information within fifteen (15) days following the effective date of the Summary Order. The Summary Order notified Licensee that failure to provide the Board with the lawfully requested information within the ordered time could result in the suspension of Licensee's license to practice medicine and surgery in Kansas.

4. Pursuant to K.S.A. 77-542, the Summary Order notified Licensee that if a written request for a hearing was not filed within fifteen (15) days following service of the Summary Order, the Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. The Summary Order required any written request for hearing to be mailed to Kathleen Selzler Lippert, at 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

5. Pursuant to K.S.A. 2010 Supp. 77-531, the Summary Order was served upon Licensee by mailing a copy of the Summary Order to Licensee at Licensee's last known address of record with the Board, via United States Certified Mail, postage prepaid.

6. Pursuant to K.S.A. 77-526 and 77-530, the Summary Order became effective as a Final Order on June 27, 2011.

7. On or about July 6, 2011, Licensee submitted an untimely written response to the Summary Order and a request for a hearing on the Summary Order.

8. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order.

9. On or about July 7, 2011, the Respondent Board filed a Response to Licensee's response letter and request for a formal hearing in Response to the Summary Order.

10. While Licensee's July 6, 2011 response letter did not formally and specifically request reconsideration of the Final Order, the letter shall be liberally construed by the Board as

a request for reconsideration of the Final Order, and the matter is appropriate for reconsideration by the Board under K.S.A. 77-529.

11. Executive Director Lippert grants Licensee's petition for reconsideration of the Final Order as set forth in Licensee's July 6, 2011 response letter. Licensee's request for reconsideration shall be set for hearing before the Board on **Friday, August 12, 2011**. A formal notice of hearing specifying the time and place for hearing will be sent to Licensee at Licensee's address of record with the Board.

12. As of the date of this Journal Entry, Licensee has not remitted payment in the amount of \$500.00 to the Board for the civil fine assessed by the Final Order.

13. As of the date of this Journal Entry, Licensee has not provided the Board with all information lawfully requested by the Final Order.

14. Pursuant to K.S.A. 77-613, Licensee may seek judicial review of a Final Order by filing a petition in the District Court within thirty (30) days following service of a Final Order. A copy of such petition for judicial review must be served upon Kathleen Selzler Lippert, at 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

15. The Board shall maintain jurisdiction over this matter to issue any further Order(s) deemed necessary and appropriate.

IT IS THEREFORE ORDERED that the Summary Order filed in this matter on June 8, 2011 became effective as a Final Order on June 27, 2011.

IT IS FURTHER ORDERED that Licensee is hereby publicly censured and ordered to immediately pay a fine to the Board in the amount of \$500.00, for failure to timely provide the Board with all information lawfully requested, as set forth in the Summary Order in this matter.

IT IS FURTHER ORDERED that Licensee's license to practice medicine and surgery

in the State of Kansas is hereby **SUSPENDED** for Licensee's failure to provide the Board with all information requested by the Board, as set forth in the Summary Order in this matter.

IT IS FURTHER ORDERED that Licensee's license to practice medicine and surgery in the State of Kansas shall remain **SUSPENDED** until such time as Licensee provides the Board with all information requested by the Board, as set forth in the Summary Order in this matter.

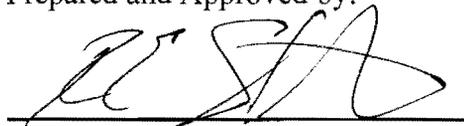
IT IS FURTHER ORDERED that Licensee's petition for reconsideration of the Final Order is hereby granted, and a hearing on the petition for reconsideration shall be heard before the Kansas Board of Healing Arts on Friday, August 12, 2011.

IT IS FURTHER ORDERED that the public censure of Licensee, the \$500.00 civil penalty assessed against Licensee, and the suspension of Licensee's license to practice medicine and surgery in Kansas, in this matter, shall each be stayed until such time as the Board issues a Final Order following the petition for reconsideration hearing on Friday, August 12, 2011.

IT IS SO ENTERED THIS 11 **DAY OF** July, 2011, **IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:


Randy E. Stookey, #21885
Assistant General Counsel
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a copy of the above and foregoing **Journal Entry**, by depositing the same in the United States mail, postage prepaid, on this 11th day of July, 2011, addressed to:

Jacqueline C. Du Bois, M.D.
confidential
Junction City, KS 66441

and a copy was hand-delivered to the office of:

Jessica Bryson, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level, Suite A
Topeka, Kansas 66612

and an electronic courtesy copy was sent to the office of:

Randy E. Stookey, Assistant General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level, Suite A
Topeka, Kansas 66612

and the original was filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level, Suite A
Topeka, Kansas 66612



Cathy Brown, Executive Assistant