

FILED

CAB

SEP 24 2010

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

KS State Board of Healing Arts

In the Matter of)
Garry Durosier, M.D.)
)
Application for Licensure)
_____)

Docket No. 11-HA00004

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. Garry Durosier (“Applicant”), (confidential) Jamaica Estates, NY 11432 submitted an Application for Licensure to Practice Medicine and Surgery (“Application”) in the State of Kansas on January 2, 2010.
2. Applicant is a graduate of Universite D’Etat D’Haiti in Port-Au-Prince, Haiti.
3. Pursuant to Application requirements, Applicant was required to submit a Professional School Certification.
4. On January 12, 2010, an earthquake struck Haiti and directly affected Port-Au-Prince. Due to the devastation, Applicant is unable to obtain the Professional School Certification required by the Application.

5. On February 21, 2010, Applicant submitted a letter requesting an exception from the Professional School Certification requirement of the Application.
6. Board Policy No. 05-05 relates to licensure of individuals who are Victims of Natural Disasters.

II. Applicable Law

- a. K.S.A. 65-2833
- b. Policy Statement No. 05-05

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:

1. Applicant is a graduate of Universite D'Etat D'Haiti in Port-Au-Prince, Haiti.
2. On January 12, 2010, an earthquake struck Haiti and directly affected Port-Au-Prince. Due to the devastation, Applicant is unable to obtain the Professional School Certification required by the Application.

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

3. Applicant is hereby **GRANTED** an exception from the requirement to provide Professional School Certification as required by the Application pursuant to Board Policy Statement 05-05 due to his inability to procure the required documentation as a result of the earthquake in Haiti on January 12, 2010.
4. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 24 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 24th day of September, 2010 by depositing the same in the United States Mail, first-class postage/prepaid and addressed to:

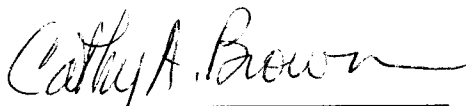
Dr. Gary Durosier
(confidential)
Jamaica Estates, NY 11432

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