

**FILED**

JUN 10 2002

**KANSAS STATE BOARD OF  
HEALING ARTS**

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

In the Matter of )  
 )  
**DAVID D. EDALATI, M.D.** )  
Kansas License No. 4-24423 )

Docket No. 02-HA-0045

**FINAL ORDER**

**NOW ON THIS** 1<sup>ST</sup> day of June, 2002, this matter comes before the Board upon a motion by David D. Edalati, M.D., (hereafter "Licensee") to terminate the October 16, 2000 Stipulation and Agreement and Enforcement Order entered into between Licensee and the Kansas Board of Healing Arts (hereafter "Board"), and the Notice of Conference Hearing regarding the disciplinary Petition filed on February 4, 2002. Licensee appears in person and through Reid Holbrook, Attorney at Law. The Board appears through Kelli J. Benintendi, Associate Counsel.

After hearing testimony and comments from the parties regarding the issues, the Board finds and orders as follows:

1. Licensee is licensed to practice medicine and surgery in the state of Kansas, having been originally licensed February 13, 1993. Licensee practices internal medicine.
2. On April 21, 2000, The Board commenced a disciplinary action against Licensee. The petition alleged multiple counts of failing to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, and several counts violating a Board regulation by prescribing medications, including controlled substances, in an excessive, improper or inappropriate manner or quantity.

3. On October 16, 2000, in lieu of formal proceedings, Licensee and Board entered into a settlement resolving the disciplinary proceeding.

4. On February 4, 2002, the Board initiated the filing of a petition for disciplinary action against Licensee alleging that Licensee had violated a lawful order or directive of the Board as agreed to in the Stipulation and Agreement filed on October 16, 2000.

5. After the filing of the Petition on February 4, 2002, the parties had a chance to meet and review the prescriptions that had been submitted and the timeliness of submission. Licensee accounted to Board staff for all the missing prescriptions and also provided an explanation for the out-of-sequence prescriptions. The monitoring physician did not indicate that any prescribing problems were found in the review of Licensee's records.

6. The Board finds that Licensee has not been in total compliance with the terms of the Stipulation and Agreement of October 16, 2000, and his request for termination of the agreement is denied.

7. The Board has further determined that the Petition filed on February 4, 2002 should be dismissed.

**IT IS THEREFORE ORDERED** that Licensee's motion to terminate the limitations on his license be denied.

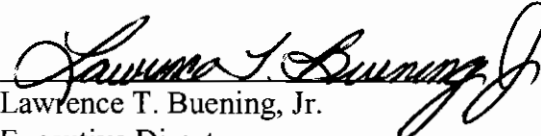
**IT IS FURTHER ORDERED** that the Petition for revocation, suspension or limitation filed on February 4, 2002 be dismissed.

**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. 77-610, *et seq.* Reconsideration of the 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 the Board's Executive Director at 235 S. Topeka Boulevard, Topeka, Kansas 66603.

**DATED** this 7<sup>th</sup> day of June, 2002.

**KANSAS STATE BOARD OF HEALING ARTS**

  
Lawrence T. Buening, Jr.  
Executive Director

LTB:D5

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Final Order was served this 7<sup>th</sup> day of June, 2002, by depositing the same in the United States mail, first-class postage prepaid and addressed to:

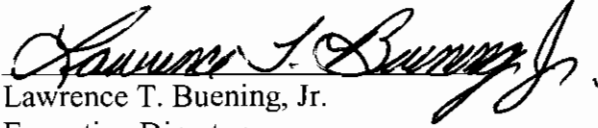
David D. Edalati, M.D.  
1320 South Ash, #203  
Ottawa, Kansas 66067

Reid Holbrook  
Holbrook, Heaven & Osborn, PA  
757 Armstrong Avenue  
PO Box 17927  
Kansas City, Kansas 66117-0927

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

Kelli J. Benintendi, Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603

and the original is being maintained with the office of Executive Director.

  
Lawrence T. Buening, Jr.  
Executive Director  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603  
(785) 296-3680