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

In the Matter of)
Derek Ensz, LRT)
)
Kansas License No. 22-03909)
_____)

KSBHA Docket No.12-HA00011

JOURNAL ENTRY GRANTING REQUEST 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, and considers the Petition for Reconsideration of the Final Order Revoking License, filed by Derek Ensz, LRT (Licensee) in the above-captioned matter, pursuant to the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, and in accordance with the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

Upon a review of the Petition for Reconsideration and the administrative record, the Board finds as follows:

1. Licensee’s last known mailing address provided to the Board is: 3312 Homestead, Hutchinson, Kansas 67502.
2. On or about August 29, 2011, the Board filed a Final Order in the above-captioned matter (Final Order) revoking Licensee’s license to practice radiologic technology in the State of Kansas due to Licensee’s failure to comply with the terms of a Consent Order entered on or about April 19, 2011.
3. On or about September 26, 2011, Licensee, by and through legal counsel, filed a petition for judicial review of the Final Order in Shawnee County District Court.
4. On or about October 17, 2011, Licensee, by and through legal counsel, filed an untimely Petition for Reconsideration of the Final Order with the Board. Licensee’s petition does

not request a stay of the license revocation. Licensee's Petition for Reconsideration sets forth unique circumstances and brings new facts and evidence to the Board's attention which may have changed the Board's action in the underlying matter had those facts and evidence been made known to the Board at the time the Final Order was filed.

6. On or about October 25, 2011, Licensee, by and through legal counsel, filed a motion to dismiss the petition for judicial review of the Final Order.

7. On or about October 31, 2011, Licensee's petition for judicial review was dismissed without prejudice by the Shawnee County District Court.

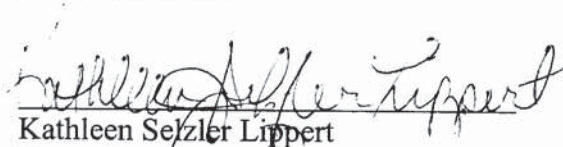
8. The Board has authority to issue Initial and Final Orders, and maintains jurisdiction over matters before it to issue additional orders deemed necessary and appropriate.

IT IS THEREFORE ORDERED that, in the interest of justice, the Board hereby orders reconsideration of the Final Order in this matter.

IT IS FURTHER ORDERED that on Friday, December 2, 2011, the Board will hold further proceedings on this matter. A formal notice of hearing specifying the time and place of the hearing will be sent to Licensee at Licensee's address of record with the Board and to Licensee's counsel.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any additional order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 17th **DAY OF NOVEMBER, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**


Kathleen Sezler Lippert
Executive Director
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **Journal Entry Granting Request for Reconsideration** was served this 7th day of November, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Derek Ensz, LRT
3312 Homestead
Hutchinson, Kansas 67502

Mike Francis
434 SW Topeka Blvd.
Topeka, KS 66603
Attorney for Licensee

a copy was hand-delivered to:

Stacy Bond, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

an electronic courtesy copy was sent to:

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
mowens@ksbha.ks.gov

and, the original was filed with the office of the Executive Director:

Kathleen Selzler Lippert
Executive Director
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612


Cathy Brown, Executive Assistant