

FILED
JUN 07 2011
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
Eva M. Ewers, M.D.)
)
Kansas License No. 04-27319)
_____)

KSBHA Docket No.11-HA00043

FINAL ORDER FOLLOWING CONFERENCE HEARING
(Pursuant to K.S.A. 77-501, et seq.)

NOW, on this 17th day of June 2011, comes before the Kansas State Board of Healing Arts (“Board”) the request of Eva M. Ewers, M.D. (“Licensee”) for termination of practice monitoring imposed under the terms of a Consent Order in Docket No. 10-HA00043. Licensee appears *pro se*. Stacy Bond, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, 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. After reviewing the file, hearing the testimony and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions of law and order:

I. Findings of Fact

1. Eva M. Ewers, M.D. (“Licensee”), is licensed to engage in the practice of medicine and surgery in the State of Kansas, License No. 04-27319, and has been so licensed since approximately December 6, 1997.

2. Licensee’s last known mailing address provided to the Board is:

confidential

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Rossville, Kansas 66533.

3. On or about October 29, 2010, Licensee entered into a Consent Order with the Board, based upon the fact that Licensee had applied for an active license to practice medicine and surgery in Kansas, but had not actively practiced medicine and surgery since June 30, 2004. Under the terms of the Consent Order, the Board approved Licensee's request for an active license to practice medicine and surgery in Kansas, but required Licensee to have a practice monitor to ensure Licensee's compliance with community and ethical standards. Licensee was required to submit to the Board, monthly reports from the practice monitor summarizing Licensee's practice of medicine and surgery.

4. The terms of the Consent Order allow Licensee to petition the Board for modification or termination of the practice monitoring after a six (6) month period.

5. Licensee has practiced pediatrics at Irwin Army Hospital since approximately November of 2010.

6. Licensee's medical practice at Irwin Army Hospital has been monitored by Col. Craig Webb, M.D. for at least six (6) months.

7. Licensee has submitted practice monitoring reports from Dr. Webb which do not indicate standard of care or practice concerns.

8. On or about May 4, 2011, Licensee petitioned the Board to lift the practice monitoring terms imposed by the Consent Order.

9. On May 4, 2011, the Respondent Board filed a Response to Licensee's Motion.

II. Applicable Law

a. K.S.A. 77-501, *et seq.* – Kansas Administrative Procedure Act

b. K.S.A. 65-2801, *et seq.* – Kansas Healing Arts Act

III. 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


Licensee has satisfactorily met all requirements of the Consent Order and has no further obligation for compliance.

V. Order

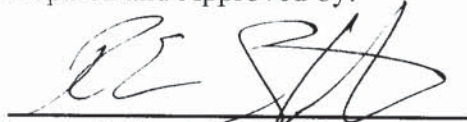
IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee has satisfied all terms and conditions of the Consent Order, and that Licensee's motion to terminate the practice monitoring requirement imposed by the Consent Order is hereby granted.

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

IT IS SO ORDERED THIS 7 DAY OF July, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzier 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

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 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Final Order was served this 7th day of July, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Eva M. Ewers, M.D.
confidential
Rossville, KS 66533

And a copy was hand-delivered to the following:


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

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Melissa Massey, Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

The original was filed with the office of:

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