

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
FEB 18 1994
KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
)
RICK J. FITZGERALD, M.D)
Applicant for Postgraduate)
Training Program Temporary Permit)

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 5th day of February, 1994, comes on for Conference Hearing before the Kansas State Board of Healing Arts (hereafter "Board") sitting as a whole in the matter of the Application For Postgraduate Training Program Temporary Permit filed by Rick J. Fitzgerald, M.D. (hereafter "Applicant").

Charlene K. Abbott, Licensing Administrator, appears on behalf of the Board. Applicant appears in person pro se.

After reviewing the application and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions of law and order:

1) On December 27, 1993, Applicant filed an application for temporary permit for postgraduate training program to engage in a full time approved postgraduate training program in the Department of Internal Medicine at the University of Kansas School of Medicine, Wichita, from January 1, 1994 through December 31, 1996.

FINAL ORDER OF CONFERENCE HEARING
Rick J. Fitzgerald, M.D.

2) On the application filed by Applicant, it was indicated that Applicant had received the degree of M.D. from Bicol Christian College of Medicine, Legaspi City, The Philippines, on the 13th day of April, 1996.

3) According to the World Directory of Medical Schools, Sixth Edition published by the World Health Organization, the year in which medical education began at Bicol Christian College of Medicine was 1980 and in 1983 the institution awarded no medical degrees.

4) K.S.A. 65-2811(a) authorizes the Board to issue a temporary permit to practice the appropriate branch of the healing arts to any person as follows:

"(2) Who is engaged in a full time, approved postgraduate training program; has made proper application for such temporary permit upon forms approved by the board; meets all qualifications of licensure, except the examination required under subsection (a)(3) of K.S.A. 65-2873 and amendments thereto and postgraduate training, as required by this act; has paid the prescribed fees established by the board for such temporary permit; has passed an examination in the basic and clinical sciences approved by the board; and, if the applicant is a graduate of a foreign medical school, has passed an examination given by the educational commission for foreign medical graduates.

(3) Who has been accepted in or appointed to a full-time, approved postgraduate training program in this state; has made proper application upon forms provided by the board; has paid the prescribed fees as established by the board for the application for and granting of the temporary permit; is a graduate of an accredited school of the healing arts or a

school which has been in operation for not less than 15 years and the graduates of which have been licensed in another state or states which have standards similar to Kansas; and has not previously engaged in a postgraduate training program in this state. The temporary permit issued under this paragraph (3) shall be valid for a period of one year following the date of issuance. The temporary permit may be extended until the results of the basic and clinical examination taken during the permit period and required for a temporary permit under paragraph 2 of subsection (a) are issued. No more than one temporary permit shall be issued under this paragraph (3) to any person."

5) In the application submitted by Applicant, there was no indication that Applicant has had a license issued to him by any other state, territory or country which would enable him to meet the qualifications for licensure by endorsement under K.S.A. 65-2833.

6) To meet the qualifications for licensure under the provisions of K.S.A. 65-2873, Applicant must be a graduate of an accredited healing arts school or college (K.S.A. 65-2873(a)(2)) or be a graduate of a school which has been in existence for not less than fifteen (15) years (K.S.A. 65-2873(c)(2)).

7) Bicol Christian College of Medicine is not an accredited school of medicine which has been approved by the Board as required by K.S.A. 65-2874 and will not have been in operation for at least 15 years until 1995.

8) A Notice of Conference Hearing was prepared and served by mail to Applicant on January 21, 1994, setting this

matter for hearing before the Board at its meeting February 5, 1994 at 10:00 a.m.

9) Applicant fails to meet the qualifications necessary for a temporary permit for a postgraduate training program under the provisions of either K.S.A. 65-2811(a)(2) or (3).

IT IS THEREFORE ORDERED BY THE BOARD that the findings here and above made be in the same are hereby made the order of the Board and that Applicant's Application for Postgraduate Training Program Temporary Permit should be denied.

IT IS FURTHER ORDERED that this is a Final Order and is effective upon service upon the parties. Any party may, within fifteen (15) days after service file a Petition for Reconsideration. The filing of a Petition for Reconsideration is not a prerequisite for seeking administrative or judicial review.

IT IS SO ORDERED.

DATED this 15th day of February, 1994.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR. 43125
Executive Director


CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., do hereby certify that on the 18th day of February, 1994 a copy of the above and foregoing **FINAL ORDER FOLLOWING CONFERENCE HEARING** was deposited in the United States mail, postage prepaid, first class to the following:

Rick J. Fitzgerald, M.D.
3232 S. Clifton, #522
Wichita, Kansas 67216

and a copy hand-delivered to:

Charlene K. Abbott
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603


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