

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

AUG 11 1993

In the Matter of)
)
MARCIA LYNNE FOSTER, M.D.)
Temporary Permit No. 94-03276)
_____)

**KANSAS STATE BOARD OF
HEALING ARTS**

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 7th day of August, 1993, comes on for Conference Hearing before the Kansas State Board of Healing Arts (hereafter "Board") sitting as a whole, the application of Marcia Lynne Foster, M.D., (hereafter "Licensee") for retroactive reinstatement of temporary permit status. Licensee did not appear.

After reviewing the request and being otherwise duly advised in the premises, the Board finds as follows:

1. On June 26, 1990, Licensee was granted post graduate permit number 94-03276 to engage in post graduate training in the Department of Medicine at the University of Kansas Medical Center pursuant to the provisions of K.S.A. 65-2811(a)(2).

2. Pursuant to K.S.A. 65-2811(b), the temporary permit issued under K.S.A. 65-2811(a)(2) authorizes the person receiving such permit to practice the appropriate branch of the healing arts in the post graduate training program while continuously so engaged but does not authorize the person receiving the permit to engage in the private practice of the healing arts.

3. An affidavit completed by the Program Director of the aforementioned post graduate training program indicated a completion date of June 30, 1992.

4. Pursuant to Board records, Licensee's post graduate permit was cancelled June 30, 1992.

5. By letter received July 16, 1993, Norton J. Greenberger, M.D. requested that temporary permit number 3276 be made retroactively effective from June 30, 1992 to June 30, 1993 due to post graduate training of Licensee in the Department of Medicine at the University of Kansas Medical Center.

6. The action of Licensee was due to lack of understanding, inadvertency and mistake in that Licensee allowed her temporary permit to be cancelled based upon an affidavit error indicating an inaccurate post graduate training completion date.

IT IS THEREFORE BY THE BOARD ORDERED as follows:

A. That the findings here and above made be and the same are made the Order of the Board.

B. That temporary permit number 94-03276 originally effective June 26, 1990, be retroactively reinstated to June 30, 1992 and be effective until June 30, 1993 when Licensee completed her post graduate training program.

C. This is a Final Order and effective upon service of process 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 10th day of August, 1993.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR.
Executive Director

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., hereby certify that on the 10th day of August, 1993, a true and correct copy of the above and foregoing Final Order Following Conference Hearing was deposited in the United States first class mail, postage prepaid, to the following:

Marcia Lynne Foster, M.D.
University of Kansas Medical Center
39th and Rainbow
Kansas City, Kansas 66103

and the original was hand-delivered to:

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


LAWRENCE T. BUENING, JR.
Executive Director