

FILED CAPS

FEB 24 2010

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of }  
 }  
Douglas L. Geenens, D.O. } Docket No. 09-HA-00059  
Kansas License No. 5-22577 }

FINAL ORDER

NOW this February 19, 2010 the above captioned matter comes before the Kansas State Board of Healing Arts (Board) on the respondent's Motion to Reconsider the Board's Final Order issued February 4, 2010. The Board appears by and through Lori D. Dougherty. The respondent appears by and through Karen M. Virillito, attorney at law. There are no other appearances. The Board, after reviewing the file, hearing the statements of counsel and being duly apprised in the premises finds and holds as follows:

1. The Board entered a FINAL ORDER issued February 4, 2010 finding the respondent in violation of twenty three counts of the Kansas Healing Arts Act, K.S.A. 65-2801 et seq. The INITIAL ORDER of the Presiding Officer and the FINAL ORDER of the Board issued February 4, 2010 are incorporated into this FINAL ORDER by reference.

2. The Board fined the respondent \$5,000 and ordered him to pay costs in the amount of \$27,477 either in full or in twelve monthly installments commencing March 1, 2010.

3. The respondent claims extreme economic hardship and the inability to pay the costs incurred by the Board in the amount of \$27,477 in twelve equal installments in the amount of \$2,289.80 per month. The respondent requests the Board to allow him to

pay the costs in 36 monthly installments over a three year period in the amount of \$763.26 per month commencing March 1, 2010.

4. The respondent agrees that he has the ability to pay the fine of \$5,000 in twelve monthly installments commencing March 1, 2010 in the amount of \$416.67 per month.

WHEREUPON, the Board finds as a matter of fact:

1. The Board's order to the respondent to pay the costs of \$27,477 either in full or in twelve monthly installments of \$2,289.80 will cause an undue hardship on the respondent.

2. The Board's order to the respondent to pay the fine of \$5,000 in twelve monthly installments of \$416.67 commencing March 1, 2010 will not cause an undue hardship on the respondent.

3. The respondent has the financial ability to pay the \$27,477 costs owed to the Board in thirty six monthly installments in the amount of \$763.26 commencing March 1, 2010 without undue hardship.

WHEREUPON, the Board sets forth the following conclusions of law and policy reasons for its decision:

1. The Board has lawfully found the respondent in violation of twenty three counts of the Kansas Healing Arts Act, K.S.A. 65-2801 et seq.

2. The Board has fined the respondent in the amount of \$5,000. The respondent is ordered to pay the \$5,000 fine in twelve monthly installments of \$416.67 commencing March 1, 2010. The Board's order regarding the payment of the fine by the respondent is just and reasonable and remains in effect.

3. The Board has ordered the respondent to pay costs in the amount of \$27,477. The Board finds its order to pay costs of \$27,477 allowed by K.S.A. 65-2846(a) is justified.

4. The Board finds its order to the respondent to pay costs of \$27,477 in thirty six monthly installments in the amount of \$763.26 commencing March 1, 2010 will not cause undue hardship to the respondent.

5. The Board, for policy reasons to recoup the full amount of costs from the respondent, finds it is reasonable for the respondent to pay the costs in this proceeding in the amount of \$27,477 in thirty six monthly installments in the amount of \$763.26 commencing March 1, 2010.

6. The respondent is ordered to pay such costs through thirty six monthly installments in the amount of \$763.26 per month commencing March 1, 2010 with each installment to be paid prior to the first day of every month thereafter until the balance is paid in full. In the event the Board does not receive a payment due and owing, the balance owing on such costs shall become immediately due and payable in full upon written notice by the Board to the Licensee stating that payment has not been received. Failure to make a monthly payment will be considered a violation of an order of the Board which will subject the licensee to discipline pursuant to K.S.A. 65-2836(k).

7. The Board's Final Order issued on February 4, 2010 shall remain in force and effect as modified by this Final Order.

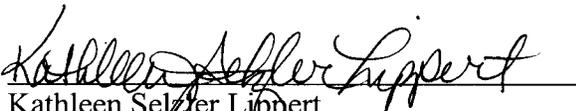
THEREFORE, the Board GRANTS the respondent's Motion to Reconsider.

WHEREFORE, the Board MODIFIES its FINAL ORDER issued February 4, 2010 as more fully set out in this FINAL ORDER.

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 Acting Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED this February 22, 2010.

KANSAS STATE BOARD OF HEALING  
ARTS

  
Kathleen Selzler Lippert  
Acting Executive Director

#### CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing FINAL ORDER was served by depositing the same in the United States mail, first-class postage prepaid this <sup>20th</sup> 11 day of February, 2010, addressed to:

Karen Virgillito  
10484 Marty  
Overland Park, KS 66212

Douglas L. Geenens, D.O.  
4901 W. 136<sup>th</sup> Street  
Overland Park, KS 66224

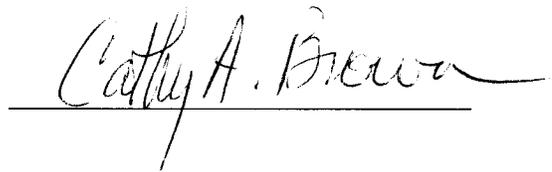
Lori D. Dougherty  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

With the original going to:

Kathleen Selzler-Lippert  
Acting Executive Director  
235 SW Topeka Blvd.  
Topeka, KS 66603

And a copy to:

Melissa Massey  
Compliance Coordinator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603



Cathy A. Brewer