

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED 

JUL 15 2005

In the Matter of)
)
MARK A. GERSTBERGER, D.O.)
Kansas License No. 5-26485)
_____)

KS State Board of Healing Arts

Docket No. 04-HA-01

FINAL ORDER

NOW ON THIS 11th Day of June 2005, this matter comes before the Board upon the request by Respondent Mark A. Gerstberger, D.O. for termination of the monitoring requirements stated in the February 2, 2004 Consent Order. Kelli J. Benintendi appears for Petitioner. Respondent appears in person and through Wesley A. Weathers.

After hearing the statements of counsel and having the agency record before it, the Board makes the following findings and order:

1. The Board approved a consent order filed February 2, 2004, requiring in part that Respondent cause the nursing director and office manager to monitor **confidential** and to send quarterly reports on the monitoring to the Board. The monitoring and reporting were to remain in effect for a period of at least one year.

2. The Board finds that the reports were received and did not indicate any instance of unprofessional conduct **confidential**

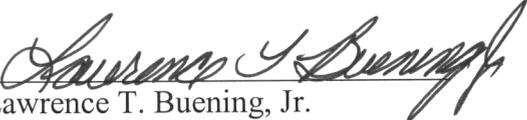
3. The Board further finds that Respondent's request should be granted.

IT IS, THEREFORE, ORDERED that the consent order filed February 2, 2004 is hereby terminated.

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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 14th Day of July 2005.


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Prehearing Order was served this 15th day of July 2005 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Wesley A. Weathers
4848 SW 21st Street, Suite 202
P.O. Box 67209
Topeka, KS 66667-0209

And a copy was hand-delivered to the office of

Kelli J. Benintendi
Litigation Counsel
235 S. Topeka Blvd.
Topeka, KS 66603

