

After hearing the statement of Board's General Counsel, reviewing the application and accompanying documents and being otherwise duly advised in the premises, the Board makes the following Findings of Fact, Conclusions of Law and Order:

1. On December 31, 1990, Applicant filed with the Board an Application for Examination to obtain a license to practice medicine and surgery in the state of Kansas.

2. The Board is the sole and exclusive state agency responsible for the issuance of licenses to practice medicine and surgery in the state of Kansas.

3. Applicant failed to pass Part I of the FLEX examination administered June 1991 and did not appear for the examination administered in December 1991.

4. K.S.A. 65-2873(a)(3) states that each applicant for a license by examination to practice any branch of the healing arts in the state of Kansas shall pass an examination prescribed and conducted by the Board covering the subjects incident to the practice of the branch of the healing arts for which the applicant applies. Part II of FLEX is the examination prescribed and conducted by the Board covering the subjects incident to the practice of the branch of the healing arts for which the applicant is applying. Part I of FLEX is the examination prescribed and conducted by the Board in the basic sciences under K.S.A. 65-2873(a)(1).

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5. The Board notes that the only license currently held by applicant is license issued by the country of Mexico with license number 416368 issued July 14, 1976. Furthermore, the Board notes that the applicant has passed Educational Council Foreign Medical Graduates examination with number A-5524.

6. The Board takes administrative notice that K.S.A. 65-2824 states any person desiring to take the examination for a license under the jurisdiction of the Board shall make application to the Board on a form provided by the Board and sworn to by the applicant. Additionally, the Board notes that K.S.A. 65-2831 states that after each examination the Board shall issue a proper license to successful candidates and make the required entry.

7. The Board further notes that in compliance with K.S.A. 77-511, applicant was advised by letter dated July 25, 1991 from Debra L. Billingsley, Board Disciplinary Counsel, that additional information and explanation to certain questions on the application were required and that the application would be considered incomplete until received. To date, a response has not been received by the Board office relative to the July 25, 1991 inquiry from Board's Disciplinary Counsel. The Board notes that in the content of the applicant's March 30, 1992 letter, he specifically indicated he did not wish to contest the Order of Summary Proceedings Denying Application for License. However, the information on page two of the Board's February 3, 1992 letter

which states that he remains eligible for examination on June 16, 17 and 18, 1992 and that it is the applicant's desire to sit for the FLEX Part I examination and that the June 1992 examination is within two years from the date of the initial application received December 31, 1990.

8. The Board finds that, Applicant, by sitting for the June 1992 FLEX Part I examination would still not meet the requirements and qualifications for licensure in the state of Kansas as applicant would not be in compliance with K.S.A. 65-2873 regarding presentation to the Board with evidence of an examination incident to the practice of the branch of the healing arts in addition to FLEX Part I examination.

IT IS THEREFORE ORDERED BY THE BOARD that applicant be allowed to sit for the June 1992 FLEX I component examination only.

FURTHERMORE, IT IS ORDERED BY THE BOARD that should applicant pass the FLEX Part I component of the June 1992 examination, that applicant will not be granted a license to engage in the practice of medicine and surgery in the state of Kansas until such time as he demonstrates total and complete compliance with requirements of Kansas law to include K.S.A. 65-2873 and amendments thereto, provides all necessary information as requested by Board legal staff to process his application for licensure which is a new and different application than the one currently on file in the Board

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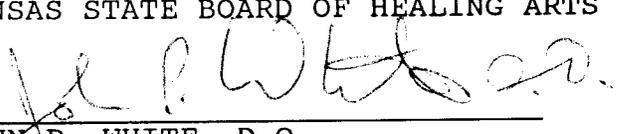
office and meets other requirements as may be in place under provisions of Kansas law on the date of application of applicant.

Therefore, based on the above Findings of Fact and Conclusions of Law, the Board upholds in its entirety the Amended Order of Summary Proceedings Denying Application for License to Felipe de Jesus Sainz Gonzalez, M.D. in that applicant does not meet the statutory requirements or conditions for licensure.

IT IS THEREFORE ORDERED THAT THE APPLICATION FOR LICENSE BY EXAMINATION BE DENIED. IT IS FURTHER ORDERED THAT APPLICANT BE ALLOWED TO SIT FOR THE PART I COMPONENT OF THE FLEX EXAMINATION IN JUNE 1992 TO BE ADMINISTERED BY THE KANSAS STATE BOARD OF HEALING ARTS. SUCH ORDER AUTHORIZING APPLICANT TO SIT FOR COMPONENT PART I OF THE FLEX EXAMINATION SHALL NOT BE CONSTRUED TO AUTHORIZE THE GRANTING OF A LICENSE UNDER ANY CONDITIONS OF KANSAS LAW SHOULD APPLICANT PASS COMPONENT PART I OF THE FLEX EXAMINATION. THIS ORDER EXISTS SOLELY FOR THE PURPOSE OF ALLOWING THE APPLICANT TO SIT FOR THE EXAMINATION AND THAT HIS APPLICATION FOR LICENSURE IN THE STATE OF KANSAS TO ENGAGE IN THE PRACTICE OF MEDICINE AND SURGERY REMAINS DENIED REGARDLESS OF THE OUTCOME OF THE JUNE 1992 FLEX EXAMINATION.

IT IS SO ORDERED THIS 11TH DAY OF APRIL, 1992.

KANSAS STATE BOARD OF HEALING ARTS



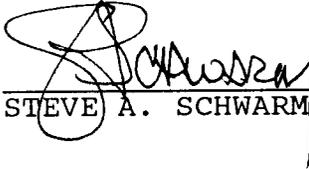
JOHN P. WHITE, D.O.
Board President

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CERTIFICATE OF SERVICE

I, Steve A. Schwarm, do hereby certify that on the 13 day of April, 1992, a copy of the above and foregoing FINAL ORDER was deposited in the United States mail, postage prepaid, addressed to:

Felipe de Jesus Sainz Gonzalez, M.D.
2610 Merrimac
League City, Texas 77573



STEVE A. SCHWARM

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