

FILED *CAJ*

FEB 26 2009

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	}	
Kurt Roberts Guindon, M.D.	}	
	}	
Kansas License No. 04-21448	}	Docket No.: 08-HA00177
_____	}	

FINAL ORDER

NOW this 20th day of February, 2009, the above captioned matter comes before the Kansas State Board of Healing Arts (Board). The petitioner appears by and through Kathleen Selzler Lippert. The respondent appears in person and through Trey Meyer of Skepnek, Fagen, Meyer & Davis, P.A.

WHEREUPON, the Board considered the petitioner's MOTION TO STAY INITIAL ORDER PENDING BOARD REVIEW. After hearing statements of counsel and after reviewing the record, and being duly apprised of its premises, the Board finds the motion to be MOOT and DENIES the same.

WHEREUPON, the respondent MOVED to have the Board's Disciplinary Panel recused from reviewing the INITIAL ORDER. The MOTION TO RECUSE was GRANTED. Dr. Beezely, Dr. Leinwetter, Dr. Conley and Ms. Ice recused themselves.

WHEREUPON, the Board heard the respondent's oral MOTION to ACCEPT the INITIAL ORDER of the Presiding Officer as written. In his motion, the respondent admitted the Findings of Fact and Conclusions of Law made by the Presiding Officer in the INITIAL ORDER were correct. The respondent admits to unprofessional and dishonorable conduct in violation of K.S.A. 65-2836(a), (b), (r), (y) and (z). The respondent asked the Board to accept the Initial Order as written. The Board determines

that pursuant to Board Policy 00-03 it will review the Initial Order de novo. The motion is DENIED subject to full review of the INITIAL ORDER.

WHEREUPON, the Board considers the MOTION TO REVIEW THE INITIAL ORDER which was made by petitioner and the Board itself pursuant to Board Policy 00-03. The Board heard oral argument from the petitioner and the respondent's counsel. The respondent was placed under oath where he made a statement and answered questions from the Board. After reviewing the Initial Order, reviewing the Board's records, hearing statements of counsel, hearing the statements of the respondent and his responses to the Board's questions, the Board retired for deliberations.

WHEREUPON, the Board concluded its deliberations and upon motion, second and unanimous vote determined to AFFIRM the INITIAL ORDER by the Presiding Officer as written. The INITIAL ORDER becomes the FINAL ORDER of the Board and is incorporated by reference.

WHEREFORE, the respondent, Kurt Roberts Guindon, M.D., is CENSURED by the Board for UNPROFESSIONAL and DISHONORABLE CONDUCT unbecoming to a professional licensed by the Kansas State Board of Healing Arts. The Board finds the respondent's UNPROFESSIONAL and DISHONORABLE CONDUCT a violation of K.S.A. 65-2836(a), (b), (r), (y) and (z). The Board SUSPENDS and LIMITS the respondent's license to practice medicine and surgery as more fully articulated in the INITIAL ORDER and further order of the Board as it relates to costs and payment of those costs.

WHEREUPON, the Board considered the petitioner's STATEMENT OF COSTS pursuant to K.S.A. 65-2846. The petitioner issued its STATEMENT OF COSTS to the

Board and to the respondent. The respondent chose not respond to the petitioner's STATEMENT OF COSTS. Based on the respondent's failure to respond to the petitioner's STATEMENT OF COSTS the Board accepts those costs as true and correct.

The Board makes the following findings of fact:

1. The Board incorporates the Findings of Fact articulated in the INITIAL ORDER by reference.

2. The respondent, Kurt Roberts Guindon, M.D., failed to have medical malpractice insurance while practicing medicine in Kansas.

3. The respondent, Kurt Roberts Guindon, M.D., informed the Board he had medical malpractice insurance when he, in fact, did not have such insurance.

4. Kurt Roberts Guindon, M.D. claimed in an application to renew a license to practice medicine that he made payment to the Health Care Stabilization Fund as required by law.

5. The respondent did not make proper payment to the Health Care Stabilization Fund as he had claimed to the Board.

6. In an application for licensure to the Board, the respondent did not properly disclose to the Board his professional medical activities while his medical license was in an exempt status.

7. The Board paid Twenty thousand, Four hundred, Twenty-one dollars and 93 cent (\$20,421.93) to prosecute Kurt Roberts Guindon, M.D., in this matter as more fully articulated in the Motion for Costs which is incorporated by reference to these findings of fact.

8. The Board takes administrative notice of the fact the respondent failed to renew his license to practice medicine and surgery on or before June 30, 2008 as required by law.

The Board concludes as follows:

A. The Board incorporates the Conclusions of Law articulated in the INITIAL ORDER by reference.

B. The respondent has committed fraud or misrepresentation in applying for renewal of his license in violation of K.S.A. 65-2836(a).

C. Through his misrepresentations to the Board, the licensee has committed an act of unprofessional or dishonorable conduct in violation of K.S.A. 65-2836(b).

D. The respondent has failed to furnish the Board, or its investigators or representatives, information legally requested by the Board in violation of K.S.A. 65-2836(r).

E. The respondent failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a and amendments thereto in violation of K.S.A. 65-2836(y).

F. The respondent has failed to pay the premium surcharges as required by K.S.A. 40-3404 and amendments thereto in violation of K.S.A. 65-2836(z).

G. Kurt Roberts Guindon, M.D. is publically censured by the Board for his multiple violations of the Kansas Healing Arts Act.

H. Kurt Roberts Guindon, M.D., has been suspended from the practice of medicine for sixty (60) days as more fully stated in the INITIAL ORDER which is incorporated by reference to this FINAL ORDER.

I. The license to practice medicine and surgery previously held by Kurt Roberts Guindon, M.D., was limited as articulated in the INITIAL ORDER and incorporated by reference in this FINAL ORDER.

J. The petitioner is the prevailing party.

K. The petitioner incurred costs in the amount of Twenty thousand, Four hundred Twenty-one dollars and 93 cents (\$20,421.93) which are assessed to the respondent pursuant to K.S.A. 65-2846.

L. The license to practice medicine and surgery previously held by Kurt Roberts Guindon (Kansas License No. 04-21448) has lapsed and has been cancelled pursuant to K.S.A.65-2809 and K.A.R. 100-15-1(a).

M. The payment in full of the costs assessed to the respondent shall be a prerequisite to consideration by the Board of any application for licensure by the respondent for the privilege to practice the healing arts in the State of Kansas.

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

IT IS SO ORDERED.

Dated this 26th day of February, 2009



Jack Confer
Executive Director
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603-3068
785/296-3680

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this *26th* day of February, 2000 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Trey Meyer
William Skepnek
Skepnek, Fagan, Meyer and Davis
900 Massachusetts St., Ste. 601
Lawrence, KS 66044

Kurt R. Guindon, MD
1723 Lydia Lane
Junction City, KS 66441

And a copy hand delivered to:

Kathleen Selzler Lippert
Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603


