

**FILED**

AUG 17 2000

**BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS**

**KANSAS STATE BOARD OF  
HEALING ARTS**

**In the Matter of** )  
)  
**DILLIS L. HART, M.D.** )  
**Kansas License No. 4-13671** )  
\_\_\_\_\_ )

**Case No. 00-HA-23**

**FINAL ORDER**

NOW ON THIS Twelfth Day of August 2000, comes before the Board Licensee's petition for review of an initial order. Respondent Dillis L. Hart, M.D. appears in person and through Thomas A. Wood. Stacy L. Cook, Litigation Counsel, appears as Petitioner for the Board.

Having the agency record before it, and after hearing the arguments of counsel, the Board adopts the findings, conclusions and order as stated in the Initial Order dated May 24, 2000. Additionally, the Board notes that the Initial Order assessed costs in an unspecified amount against Licensee. Petitioner has submitted a statement of costs in the amount of \$1573.71. Respondent states on the record that this amount is not disputed. Costs are assessed against Respondent in the amount of \$1573.71.

Respondent makes an oral motion that the Board stays the Final Order pending judicial review. The Board finds that in light of Respondent's actions as stated in the Initial Order, including the multiple instances of practice below the standard of care and the multiple instances of violating the prior Board order, the motion should be denied because there is a substantial threat of harm to the public if the suspension is stayed. Prior measures undertaken by the Board to protect the public by giving some oversight to Respondent's practice have not been adhered to

by Respondent.

**IT IS, THEREFORE, ORDERED** that the findings of fact and conclusions of law, as stated in the Initial Order dated May 24, 2000, are adopted as the findings and conclusions of the Board.

**IT IS FURTHER ORDERED** that the order of the Presiding Officer, as stated in the Initial Order dated May 24, 2000, is adopted as the order of the Board; specifically,

A. Licensee's license to practice medicine and surgery is suspended for a period of at least six months, after which Licensee may petition the Board for removal of the suspension. Additionally, before such suspension may be lifted, Licensee must successfully pass the SPEX Examination and must provide verification of his passing SPEX score to the Board.

B. Upon removal of the suspension, Licensee license is limited for an indefinite period of time as follows:

1. Licensee is prohibited from performing any act of surgery within the State of Kansas as a primary surgeon. This limitation does not preclude Licensee from performing surgery as an assisting surgeon under the direct supervision of a primary surgeon, if that primary surgeon is licensed in Kansas and board certified in general surgery.

2. For the purposes of this limitation, the term "surgery" means any severing of the tissues of the human body for the purpose of penetration for diagnosis, treatment, or for the replacement or removal of afflicted parts. This definition of surgery specifically excludes the intramuscular injection of medications, the access of a peripheral venous structure for the purposes of drawing blood or administering fluids and medications, and endoscopic procedures of the gastrointestinal tract and biopsies thereof.

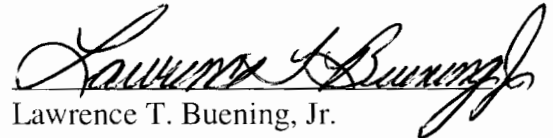
**IT IS FURTHER ORDERED** that the costs of this matter are assessed against Respondent in the amount of \$1573.71.

**IT IS FURTHER ORDERED** that the motion to stay this Final Order pending judicial review is denied.

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective when served. A party may seek judicial review of a Final Order by filing a petition with the District Court within 30 days following service of the Final Order. A copy of any such petition must be served upon Lawrence T. Buening, Jr., Executive Director, 235 S. Topeka Blvd., Topeka, Kansas 66603. Reconsideration is not a prerequisite to judicial review.

Dated this 17<sup>th</sup> day of August, 2000.

Kansas Board of Healing Arts



Lawrence T. Buening, Jr.  
Executive Director

**Certificate of Service**

I certify that a true copy of the foregoing Final Order was served this <sup>th</sup> 17 day of August, 2000 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Thomas A. Wood  
105 S. Broadway, Ste. 540  
Wichita, Kansas 67202-4220

Dillis L. Hart  
3333 E. Central, #416  
Wichita, Kansas 67208

and a copy was hand-delivered to the office of:

Stacy L. Cook  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

A handwritten signature in black ink, appearing to read "Lawrence T. Ludwig". The signature is written in a cursive style with a long horizontal flourish extending to the right.