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JUN 27 2008

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

KS State Board of Healing Arts

In the Matter of)
)
JOHN M. HIEBERT, M.D.)
Kansas License No. 04-19084)
_____)

Docket No. 08-HA00166

FINAL ORDER

NOW on this 21st day of June, 2008, this matter comes before the Kansas State Board of Healing Arts (“Board”) for a conference hearing upon Licensee’s Petition for Reconsideration pursuant to K.S.A. 77-529. Licensee appears by and through counsel, Michael Judy and William Shapiro of Dysart, Taylor, Lay, Cotter, & McMonigle, P.C. Dan Riley, Associate Counsel, appears on behalf of the Disciplinary Panel.

After having reviewed the agency record, hearing arguments from the parties and being duly advised in the premises, the Board makes the following findings of fact, conclusions of law, and orders:

1. John M. Hiebert, M.D. (“Licensee”) was originally issued license number 04-19084 to practice as a medical doctor in the state of Kansas on June 19, 1981. Licensee’s license is active, having last renewed on or about July 1, 2007.
2. Licensee’s last known mailing address is 4620 JC Nichols Parkway, Suite 505, Kansas City, Missouri 64112.
3. In completing his 2007 renewal form for licensure, Licensee answered affirmatively to a question asking if the applicant “had been a defendant in a lawsuit, or if any adverse judgment, award or settlement ahs been paid resulting from a professional liability claim in which you were named.”

4. Disciplinary Counsel sent a letter dated July 18, 2007 to Licensee requesting additional information regarding his affirmative response on the renewal form and required that such information be provided to the Board within thirty (30) days.

5. Licensee failed to provide the information by the deadline or otherwise respond to the request.

6. Disciplinary Counsel made a second request for the information in a letter dated August 21, 2007 and notified Licensee that he had thirty (30) days to respond to that request.

7. Licensee failed to provide the information by the deadline or otherwise respond to the request.

8. Disciplinary Counsel made a third request for the information in a letter dated September 20, 2007 and notified Licensee that he had fourteen (14) days to respond to that request or an investigation would be initiated that could result in disciplinary action against his license.

9. Licensee failed to provide the information by the deadline or otherwise respond to the request.

10. A Board investigator sent a letter dated November 9, 2007 to Licensee by certified mail return receipt requested. The return receipt was dated November 15, 2007. The letter was a fourth request for the information and Licensee was notified he had until November 23, 2007 to provide the information.

11. Licensee failed to provide the information by the deadline or otherwise respond to the investigator's request.

12. Licensee submitted the requested information in a letter received at the Board offices on December 3, 2007.

13. On March 27, 2008, the Board issued a Summary Order against Licensee publicly censuring him for violating K.S.A. 65-2836(r) when he failed to respond in a timely manner to the Board's letters dated July 18, August 21, September 20, and November 9, 2007.

14. The Summary Order notified Licensee that he had fifteen (15) days following service of the Summary Order to request a hearing on the matter.

15. Licensee did not request a hearing within that fifteen (15) day time period.

16. A Journal Entry was filed on April 22, 2008, indicating that since no hearing was requested, the Summary Order was effective as of April 17, 2008.

17. On May 1, 2008, a letter was received from Licensee's counsel, which was construed by the Board to be a petition for reconsideration.

18. The Board received on May 2, 2008, a letter from Licensee requesting reconsideration of the Summary Order.

19. On May 7, 2008, a Petition for Reconsideration in pleading format was filed with the Board by Licensee's counsel.

20. In Licensee's 2005 licensure renewal application he answered affirmatively to one of the questions. In three separate letters, Board staff requested additional information regarding Licensee's affirmative response. Licensee failed to provide the requested information or otherwise respond to all three requests for information.

21. The Board granted Licensee's Petition to Reconsider the Summary Order, and a conference hearing was held before the Board on June 21, 2008.

22. Pursuant to K.S.A. 65-2836(r), a licensee's license may be revoked, suspended, or limited, or the licensee may be censured when "[t]he licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board."

23. While the above referenced statute does not set forth a specific deadline for licensees to furnish the board with the information requested, it is an imputed that the licensee is required to respond in a reasonable and timely manner.

24. In each of the Board's four separate requests for information, Licensee was allotted a reasonable amount of time to respond given the nature and amount of information that was requested.

25. Respondent admits that he failed to respond to the Board in a timely manner.

26. Respondent's furnishing the Board with the information requested prior to a disciplinary action being filed does not cure the violations of K.S.A. 65-2836(r) that had already occurred.

27. Pursuant to K.S.A. 65-2836(b), a licensee's license may be disciplined for unprofessional and/or dishonorable conduct.

28. Licensee's failing to respond to the multiple requests from the Board for information in the manner described herein constitutes unprofessional and/or dishonorable conduct in violation of K.S.A. 65-2836(b).

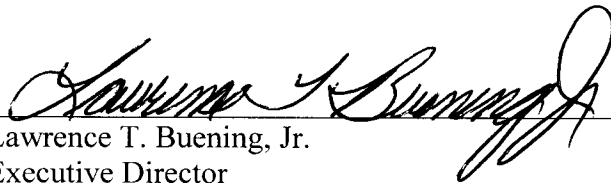
29. In order for the Board to efficiently and effectively carry out its mission, licensees must furnish the Board with legally requested information in a timely and reasonable manner.

IT IS, THEREFORE, ORDERED that John M. Hiebert, M.D. is hereby PUBLICLY CENSURED for failing to furnish the Board with legally requested information in violation of the healing arts act.

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 District Court as authorized under the Kansas Act for Judicial Review and Civil

Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any such petition must be served upon the Board addressed to the Executive Director, 235 S. Topeka Boulevard, Topeka, Kansas 66603. A request for reconsideration is not a prerequisite for judicial review.

KANSAS STATE BOARD OF HEALING ARTS

A handwritten signature in black ink, appearing to read "Lawrence T. Buening, Jr.", is written over a horizontal line. The signature is fluid and cursive.

Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

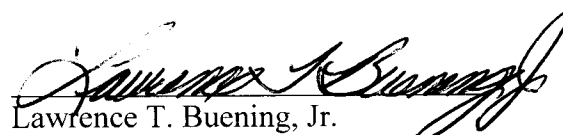
I, hereby certify that a true and correct copy of the foregoing Final Order was delivered by United States mail, postage prepaid on this 3rd day of June 2008, to the following:

William J. Shapiro
Michael J. Judy
4420 Madison Avenue
Kansas City, Missouri 64111-3407

and a copy was hand delivered to:

Dan Riley
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

and a copy was filed with the office of the Executive Director.


Lawrence T. Buening, Jr.
Executive Director