

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

**In the Matter of** )  
 )  
**WILBUR D. HILST, M.D.** )  
 )  
**Application for Reinstatement of a** )  
**License to Practice Medicine and Surgery** )  
\_\_\_\_\_ )

**Docket No. 03-HA-53**

**FINAL ORDER**

NOW ON THIS Seventh Day of June 2003, this matter comes on for review of the Initial Order issued by Howard D. Ellis, Presiding Officer. Applicant Wilbur D. Hilst, M.D., appears in person and with counsel Steven A. Schwarm of Topeka, Kansas and Daniel J. Gamino of Oklahoma City, Oklahoma, *pro hac vice*. Kelli J. Benintendi, Associate Counsel, appears for the Board.

Having the agency record and records of prior Board proceedings before it, and having heard the arguments of counsel and the statement of Applicant, the Board does not adopt the Initial Order.

In place of the Initial Order, the Board finds that Applicant requests reinstatement of his license so that he may regain his eligibility as a provider for Medicare. He has no present intent to engage in the practice of the healing arts within the State of Kansas. The Board finds that Applicant should be granted a license designated as exempt. The Board further finds that Applicant has not shown by clear and convincing evidence that he is currently able to practice the healing arts with reasonable skill and safety, and that his exempt license should be limited, prohibiting Applicant from practicing the healing arts within the State of Kansas without first giving 60 days prior written notice to the Board.

The Board further finds and concludes that both parties were partially successful in this matter, and that each should bear their own costs.

**IT IS, THEREFORE, ORDERED** that the Application for Reinstatement is granted in part and denied in part. Applicant is granted a license designated as exempt. That exempt license is limited, prohibiting him from performing professional services upon patients within the State of Kansas without first providing written notice to the Board of his intent to do so.

**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. 77-610, et seq. Reconsideration of the 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 S. Topeka Blvd., Topeka, KS 66603.

**Dated this \_\_17<sup>th</sup>\_\_ Day of June 2003.**

\_\_\_\_\_/s/\_\_\_\_\_  
Lawrence T. Buening, Jr.,  
Executive Director

**Certificate of Service**

I certify that a true copy of the foregoing Final Order was served this \_\_18<sup>th</sup>\_\_ day of June 2003, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Wilbur D. Hilst, M.D.  
1 Ridgeline Dr.  
Wewoka, OK 74884

Steve A. Schwarm  
555 Kansas Avenue, Suite 301  
Topeka, KS 66603-3443

Daniel J. Gamino  
3315 NW 63rd Street  
Oklahoma City, OK 73116

And a copy was hand-delivered to the office of

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

\_\_\_\_\_/s/ LTB Jr.\_\_\_\_\_  
\_\_\_\_\_