

in accordance with K.S.A. 77-527. After hearing oral argument from the parties, the Board, by motion made, seconded and carried, determined that the rendering of a Final Order should be extended until such time as the convening authority in the matter of United States v. Yolanda M. Huet-Vaughn, M.D. makes its decision pursuant to the Opinion of the Court on Reconsideration dated January 25, 1994. Said action was taken pursuant to K.S.A. 77-527(g) on grounds constituting good cause as set forth in the Order of Continuance Based Upon Good Cause filed March 8, 1994.

6. The Board is desirous of dismissing the pending administrative proceeding in this matter without prejudice in light of the absence of a final order in the case filed pursuant to the Uniform Code of Military Justice relating to Respondent's failure to participate or deploy for military duty during Operation Desert Shield and in the interests of administrative economy.

7. The Board has specifically not made any findings of fact or conclusions of law, nor has the Board reviewed the Initial Order in this matter based upon the absence of material facts regarding the military's determination of conviction relating to Respondent's conduct.

8. If a final decision is rendered in the above-noted proceeding brought under the Uniform Code of Military Justice, the Board will consider whether to institute disciplinary proceedings. The Board thereafter may file a new administrative proceeding and may utilize all of the evidence and testimony contained in the

official agency record in the pending administrative proceeding to be dismissed herein without prejudice. All filings of record, including, but not limited to the Initial Order, briefs of counsel and argument pertaining to review of the Initial Order may be considered.

9. No predetermination has been made by the Board whether the Board will initiate further administrative proceedings if the tribunal conducting the general court martial proceeding renders a final determination at a future date.

10. Nothing in this Order of Dismissal Without Prejudice shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act or to investigate complaints received by the Board that are unknown or not covered by the pending Petition to Revoke, Suspend or Limit Licensure, or to initiate formal proceedings based upon any alleged violation of the Healing Arts Act which may become known to the Board following filing of this Order.

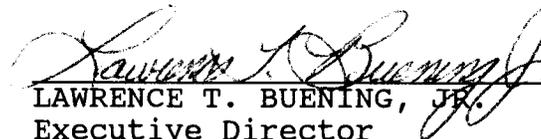
11. **IT IS THEREFORE ORDERED BY THE BOARD** that all proceedings related to Case No. 92-00142 are dismissed without prejudice.

12. This Order is a Final Order and is effective upon service upon the parties. Any party may file a "Petition for Reconsideration" pursuant to K.S.A. 1993 Supp. 77-529 with the Board within 15 days of service of this Order. Such petition is not a prerequisite for seeking judicial review.

IT IS SO ORDERED.

DATED this 5th day of July, 1994.

KANSAS STATE BOARD OF HEALING ARTS



LAWRENCE T. BUENING, JR.
Executive Director
Kansas State Board of Healing Arts
235 South Topeka Boulevard
Topeka, Kansas 66603-3068
(913) 296-7413

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., certify that on this 5th day of July, 1994, true and correct copies of the above **ORDER OF DISMISSAL WITHOUT PREJUDICE** were deposited in the United States mail, first class, postage prepaid, to the following:

Yolanda M. Huet-Vaughn, M.D.
1401 Southwest Boulevard
Kansas City, Kansas 66103

Donald G. Strole
Attorney at Law
16 East 13th Street
Lawrence, Kansas 66044

and a copy was hand-delivered to:

Kevin K. LaChance
Disciplinary Counsel
Kansas State Board of Healing Arts
235 South Topeka Boulevard
Topeka, Kansas 66603-3068

and the original was filed in the office of the Executive Director.



LAWRENCE T. BUENING, JR.

ORDER OF DISMISSAL WITHOUT PREJUDICE

Yolanda M. Huet-Vaughn, M.D.