

**FILED**

*CHD*

MAY 14 2007

KS State Board of Healing Arts

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

**In the Matter of** )  
**David B. Kemp, MD** )  
 )  
**Kansas License No. 04-29504** )  
\_\_\_\_\_ )

**Docket No. 05-HA-0061**

**FINAL ORDER**

**NOW ON THIS** 21st day of April, 2007, this matter comes on for review of an Initial Order. David B. Kemp, M.D. appears in person and through Thomas E. Beall. Kelli J. Stevens appears for the Board. Having the agency record before it, the Board adopts the findings, conclusions and order as follows:

1. The Board issued a Final Order dated December 14, 2005 imposing limitations upon Licensee's privilege to practice medicine and surgery. Specifically, the Board ordered Licensee may not perform any hospital-based surgery unless the surgery is monitored. Rochelle S. Waite, M.D. was approved as monitor.

2. Licensee states that more than a year has passed without a complication from surgery or a return to surgery.

3. The Board's limitation arose out of specific instances of surgery found to be below the standard of care. Those instances did not involve post-partum tubal ligation or Cesarean section procedures.

4. For good cause shown, including the unavailability of Dr. Waite or of a substitute monitor, the Board finds that the December 2005 Final Order should be modified to allow Licensee to perform post-partum tubal ligations and Cesarean section deliveries without a monitor.

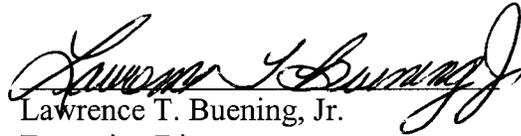
**IT IS, THEREFORE, ORDERED** that the limitation upon the license of David B. Kemp, M.D., imposed by the December 2005 Final Order is modified to exclude post-partum tubal ligations and Cesarean section deliveries.

**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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 14<sup>th</sup> day of May, 2007.

**Kansas State 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 14<sup>th</sup> day of May, 2007, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

David B. Kemp, M.D.  
1301 W 12th Ave #124  
Emporia, KS 66801

and

Thomas E. Beall  
Wright, Henson, Clark, Hutton, Mudrick & Gragson, L.L.P.  
100 S.E. 9th Street, 2nd Floor  
P.O. Box 3555

And a copy was hand-delivered to the office of

Kelli J. Stevens, Attorney  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

