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KS State Board of Healing Arts

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

**In the Matter of
WHOON JONG KIL, M.D.**

Kansas Application for Licensure

KSBHA Docket No. 12-HA00053

JOURNAL ENTRY DENYING LICENSURE

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through its Executive Director, Kathleen Selzler Lippert, a duly authorized representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the file and applicable statutes and being otherwise duly advised in the premises, makes the following determinations:

1. On or about August 22, 2011, Whoon Jong Kil, M.D. ("Applicant"), submitted an application for licensure by endorsement for an active license to practice medicine and surgery in the State of Kansas. Such application was deemed complete and filed with the Board on January 25, 2012.

2. Upon consideration at the February 24, 2012 conference hearing, the Board issued its Final Order on March 22, 2012, denying Applicant's application for licensure by endorsement due to lack of evidence that Applicant had satisfactorily fulfilled the requirements of K.S.A. 65-2833.

3. On or about April 2, 2012, Applicant made a timely request pursuant to K.S.A. 77-529 for reconsideration of the Final Order denying him licensure by endorsement. Whereupon Applicant submitted evidence that on or about March 31, 2012, Applicant was

issued License No. ME112555 in the State of Florida for the profession of "Medical Doctor," and that he had been "actively practicing medicine since 1997, including ten (10) years of residency (Korea) and Fellowship (U.S.)."

4. At the April 13, 2012 conference hearing on reconsideration of the denial of Applicant's application for licensure by endorsement, the Board found that Applicant passed the Clinical Radiation Oncology examination in January 2012. The Board further found that passage of the 2012 oral examination for board-certification by the American Board of Radiology would provide sufficient evidence that Applicant met the Kansas qualifications for licensure.

5. On or about May 14, 2012, the Board issued its Final Order On Reconsideration Granting Licensure By Endorsement Upon Meeting Condition ("Final Order on Reconsideration") following the April 13, 2012 conference hearing, concluding that Applicant should be granted a license by endorsement contingent upon Applicant's passage of the 2012 oral examination for board-certification by the American Board of Radiology scheduled to be taken in May of 2012. The Final Order on Reconsideration further stated "that if Applicant does not provide the Board with official documentation verifying Applicant's passage of the 2012 oral examination for Board certification . . . on or before July 1, 2012, the Application for License by Endorsement shall be denied."

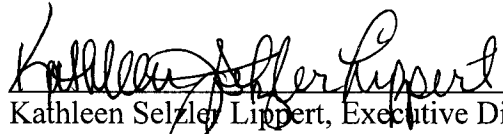
6. On or about June 14, 2012, the American Board of Radiology issued its report of Applicant's Oncology oral examination results. The results indicated that Applicant failed in two (2) categories and therefore, required reexamination in each category he failed.

7. Pursuant to the terms in the Board's Final Order of May 14, 2012, Applicant's application for licensure by endorsement shall be denied as Applicant has failed to provide the

Board with official documentation verifying Applicant's passage of the 2012 oral examination for board-certification by the American Board of Radiology on or before July 1, 2012.

IT IS THEREFORE ORDERED that Applicant's Application for Licensure by Endorsement to practice medicine and surgery in the State of Kansas is hereby **DENIED**.

IT IS SO ENTERED THIS 10th DAY OF JULY, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A. Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **JOURNAL ENTRY DENYING LICENSURE** was served by depositing the same in the United States mail, postage prepaid, on this 10th day of July, 2012, addressed to:

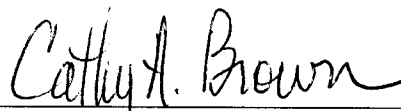
Whoon Jong Kil, M.D.
2015 N. Jefferson Street
Jacksonville, FL 32206

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

Brandy Snead, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level, Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Cathy Brown, Executive Assistant

FILED 

MAY 14 2012

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

KS State Board of Healing Arts

In the Matter of)
Whoon Jong Kil, M.D.)
)
Kansas License No. (Pending))
_____)

KSBHA Docket No. 12-HA00053

**FINAL ORDER ON RECONSIDERATION GRANTING LICENSURE
BY ENDORSEMENT UPON MEETING CONDITION**

NOW on this 13th day of April 2012, comes before the Kansas State Board of Healing Arts ("Board") reconsideration of the denial of the application of Whoon Jong Kil, M.D. ("Applicant") for a license by endorsement to practice medicine and surgery in the State of Kansas. Applicant appears in person and *pro se*. Brandy Snead, Associate Litigation Counsel, and Reese H. Hays, Litigation Counsel, appear on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501, *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the file, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. On or about August 22, 2011, Applicant submitted an application for licensure by endorsement for an active license to practice medicine and surgery in the State of Kansas. Such application was deemed complete and filed with the Board on January 25, 2012.
2. On or about January 26, 2012, Respondent filed a Response to Application for Licensure by Endorsement.

3. On or about February 24, 2012, the Board considered and denied the Applicant's Application.

4. On or about March 22, 2012, the Board issued a Final Order Denying Licensure by Endorsement due to lack of evidence that Applicant has satisfactorily fulfilled the requirements of K.S.A. 65-2833.

5. On or about March 31, 2012, Applicant was issued License No. ME112555 in the State of Florida for the profession of "Medical Doctor."

6. On or about April 2, 2012, Applicant made a timely request pursuant to K.S.A. 77-529 for reconsideration of the Final Order Denying Licensure by Endorsement. Applicant's request noted that he had been "actively practicing medicine since 1997, including 10 years of residency (Korea) and Fellowship (USA)." Additionally, Applicant submitted evidence that he was recently granted a full, unrestricted medical license in the State of Florida.

7. The Board finds that Applicant passed the Clinical Radiation Oncology examination in January 2012. The Board further finds that passage of the 2012 oral examination for board-certification by the American Board of Radiology will provide sufficient evidence that Applicant meets the Kansas qualifications for licensure.

8. The Board concludes that Applicant should be granted a license by endorsement contingent upon Applicant's passage of the 2012 oral examination for board-certification by the American Board of Radiology scheduled to be taken in May of 2012.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that the Final Order Denying Licensure by Endorsement is hereby VACATED.

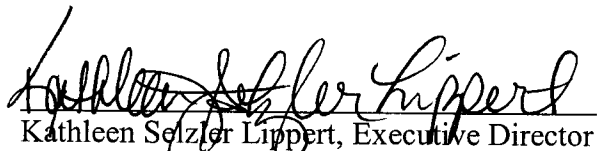
IT IS FURTHER ORDERED that Applicant shall be GRANTED a license to practice medicine and surgery in Kansas contingent upon Applicant's passage of the 2012 oral examination for board-certification by the American Board of Radiology scheduled to be taken in May of 2012.

IT IS FURTHER ORDERED that upon the Board's receipt of official documentation verifying Applicant's passage of the 2012 oral examination for board-certification by the American Board of Radiology, Applicant shall be issued a license by endorsement to practice medicine and surgery in Kansas and that no further order shall be necessary. Such verification shall be submitted to Katy Lenahan, Licensing Administrator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

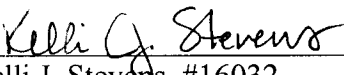
IT IS FURTHER ORDERED that if Applicant does not provide the Board with official documentation verifying Applicant's passage of the 2012 oral examination for board-certification by the American Board of Radiology on or before July 1, 2012, the Application for License by Endorsement shall be denied.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 14 DAY OF MAY, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

Prepared by:


Kelli J. Stevens, #16032
General Counsel

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. 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 Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing
FINAL ORDER ON RECONSIDERATION GRANTING LICENSURE BY
ENDORSEMENT UPON MEETING CONDITION was served this 14th day of May 2012,
by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

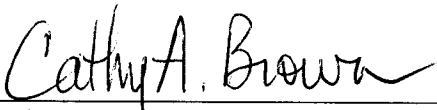
Whoon Jong Kil, M.D.
2015 N. Jefferson Street
Jacksonville, FL 32206

And a copy was hand-delivered to the following:

Reese Hays, Litigation Counsel
Brandy Snead, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown
Executive Assistant



FILED

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MAR 22 2012

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

KS State Board of Healing Arts

In the Matter of)
WHOOON JONG KIL, M.D.,)
)
Application for Licensure by Endorsement)
_____)

KSBHA Docket No. 12-HA00053

FINAL ORDER DENYING LICENSURE BY ENDORSEMENT

NOW on this 24th day of February 2012, comes before the Kansas State Board of Healing Arts ("Board") the application of Whoon Jong Kil, M.D. ("Applicant") for licensure by endorsement to practice medicine and surgery in the State of Kansas. Licensee appears via telephone conference. Reese Hays, Litigation Counsel, and Brandy Snead, Associate Litigation Counsel, appear on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by K.S.A. 65-2801 *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. On or about August 22, 2011, Applicant submitted an application for a licensure by endorsement to practice as medicine and surgery in the State of Kansas. Such application was deemed complete and filed with the Board on or about January 25, 2012.

2. K.S.A. 65-2833 states

The board, without examination, may issue a license to a person who has been in the active practice of a branch of the healing arts in some other state, territory, the District of Columbia or other country upon certificate of the proper licensing authority of that state, territory, District of Columbia or other country certifying that the applicant is duly licensed, that the applicant's license has never been limited, suspended or revoked,

that the licensee has never been censured or had other disciplinary action taken and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof satisfactory to the board:

- (a) That the state, territory, District of Columbia or country in which the applicant last practiced has and maintains standards at least equal to those maintained by Kansas.
- (b) That the applicant's original license was based upon an examination at least equal in quality to the examination required in this state and that the passing grade required to obtain such original license was comparable to that required in this state.
- (c) Of the date of the applicant's original and any and all endorsed licenses and the date and place from which any license was attained.
- (d) That the applicant has been actively engaged in practice under such license or licenses since issued, and if not, fix the time when and reason why the applicant was out of practice.
- (e) That the applicant has a reasonable ability to communicate in English.

An applicant for endorsement registration shall not be licensed unless the applicant's individual qualifications meet the Kansas legal requirements.

In lieu of any other requirement prescribed by law for satisfactory passage of any examination in any branch of the healing arts the board may accept evidence satisfactory to it that the applicant or licensee has satisfactorily passed an equivalent examination given by a national board of examiners in chiropractic, osteopathic medicine and surgery or medicine and surgery as now required by Kansas statutes for endorsement from other states.

- 3. Applicant graduated from Soonchunhyang University in the Republic of Korea with a Bachelor of Medicine Degree in 1997.
- 4. Applicant has approximately ten (10) years of residency and fellowship experience, though none of it was accredited by the Accreditation Counsel for Graduate Medical Education (ACGME).
- 5. Applicant presently holds a medical license issued by the Republic of Korea and also holds registration as a physician in training in Florida.


6. The Board finds there is insufficient evidence that the Republic of Korea has and maintains licensure standards at least equal to those maintained by Kansas.

7. Applicant has only practiced medicine in the United States in postgraduate training settings and does not hold full licensure by any state.

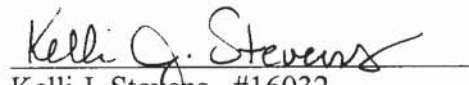
8. The Board finds there is insufficient evidence to demonstrate that Applicant has satisfactorily fulfilled the requirements of K.S.A. 65-2833 to be granted a license by endorsement to practice medicine and surgery in the State of Kansas.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant's application for a license by endorsement to practice medicine and surgery in the State of Kansas is hereby DENIED.

IT IS SO ORDERED THIS 21 DAY OF MARCH, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared by:


Kelli J. Stevens, #16032
General Counsel

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above foregoing **FINAL ORDER DENYING LICENSURE BY ENDORSEMENT** was served this 22nd day of March, 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Whoon Jong Kil, M.D.
confidential
McClean, Virginia 22101

Whoon Jong Kil, M.D.
confidential
Jacksonville, FL 32206


And a copy was hand-delivered to:

Jessica A. Bryson, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant