

FILED

JUN 16 1993

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
WILLIAM MALCOLM KNARR, D.O.)
Kansas License No. 19184)
_____)

Case Nos. 92-00073
92-00205

FINAL ORDER OF TEMPORARY SUSPENSION

NOW, on this 12th day of June, 1993, the above entitled matter comes before the Kansas State Board of Healing Arts (hereafter "Board") sitting as a whole as Presiding Officer in Emergency Proceedings at a regularly scheduled meeting of the Board.

Board members present are: Rex A. Wright, D.C., President; Donald Bletz, M.D., Vice-President; Sergio Delgado, M.D.; Howard D. Ellis, M.D.; Edward J. Fitzgerald, M.D.; John P. Gravino, D.O.; Mr. Harold Guldner; Mark J. Hatesohl, D.C.; Mr. John D. Petersen; Ronald N. Whitmer, D.O.; Donald D. Yoder, D.P.M. and Ronald J. Zoeller, D.C.

The Board appears by and through its Disciplinary Counsel, Debra L. Billingsley. William Malcolm Knarr, D.O. (hereafter "Licensee") appears in person and by his attorney, Thomas E. Wright. After reviewing the file and being duly advised in the premises, hearing statements of Licensee and statements and arguments of counsel for both parties, the Board issues the following Findings of Fact and Conclusions of Law and renders an Order as follows:

FINDINGS OF FACT

1. On April 6, 1993 confidential information was submitted to the Officers of the Board elected pursuant to K.S.A. 65-2818 and the Executive Director of the Board appointed pursuant to K.S.A. 65-2878 to receive investigative information pursuant to K.S.A. 65-2836(i).

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7. A Notice of Hearing on said Emergency Petition was filed in the Board office on May 10, 1993 and served upon Licensee setting the Emergency Petition for hearing at 11:30 a.m. on May 11, 1993.

8. On May 10, 1993, the Board's Executive Director, pursuant to authority delegated to him from the Board, appointed Rex A. Wright, D.C., Donald Bletz, M.D. and Floyd E. Gehrt, Esq. as Presiding Officer to conduct proceedings based upon the Emergency Petition which had been filed.

9. Following the Hearing scheduled for May 11, 1993, the Presiding Officer determined that the hearing on the Emergency Petition should be continued to a later date as may be mutually agreed upon by the parties and subsequently set by the Hearing

Panel based on Licensee's representation that he voluntarily agreed not to practice medicine and surgery in the state of Kansas pending resolution of the Emergency Petition.

10. On June 7, 1993, an Amended Notice of Hearing on Emergency Petition was issued by the Board's Executive Director setting the hearing on the Emergency Petition for June 8, 1993 commencing at 1:00 p.m.

(Confidential)

12. That in the Initial Order of Temporary Suspension, the Hearing Panel appointed as Presiding Officer found that on or about June 3, 1993, Licensee had returned to the practice of medicine and surgery in the state of Kansas in direct violation of the Order of Continuance entered following the hearing on May 11, 1993 (Confidential)

(Confidential)

(Confidential)

CONCLUSIONS OF LAW

(Confidential)

2. That in issuing the Initial Order of Temporary Suspension the Hearing Panel which comprised the Presiding Officer did not review the various assessments and reports that have now been provided to and reviewed by the Board but that the temporary suspension of license was appropriate and proper in light of the circumstances in order to enable the Board to proceed as quickly as feasible to complete investigation into potential violations of

(Confidential) and in light of Licensee's admission that he had returned to practice on June 3, 1993 in violation of the prior Order of Continuance issued by said Hearing Panel.

3. Since the Board has now had the opportunity to review the assessments and reports, the Initial Order of Temporary Suspension while valid at the time of its issuance is no longer germane and has been supplanted and superseded by this Order and should be set aside and be, in the future, of no further force or effect such that any review under the provisions of K.S.A. 77-527 would be required.

(Confidential)

5. This Order, having been issued by the Board as a whole as agency head constitutes a Final Order pursuant to K.S.A. 77-526 and pursuant to K.S.A. 77-536 was effective when orally

rendered through Motion duly made, seconded and passed at the meeting of the Board held June 12, 1993 following the hearing in this matter.

IT IS THEREFORE BY THE BOARD ORDERED that the Findings of Fact and Conclusions of Law and Orders hereinabove made be and the same are hereby made the Order and Decree of the Board and that Licensee's license to practice medicine and surgery in the state of Kansas is temporarily suspended effective June 12, 1993 pending the initiation and conclusion of formal proceedings under the Kansas Administrative Procedure Act.

IT IS SO ORDERED.

DATED THIS 16th day of June, 1993.

KANSAS STATE BOARD OF HEALING ARTS



Lawrence T. Buening, Jr., #9125
Executive Director

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., hereby certify that on the 16th day of June, 1993, a true and correct copy of the above and foregoing Final Order Of Temporary Suspension was deposited in the United States first class mail, postage prepaid, to the following:

William Malcolm Knarr, D.O.
720 Central
Kansas City, KS 66102

Thomas E. Wright, Esq.
Wright, Henson, Somers & Sebelius
P.O. Box 3555
Topeka, KS 66601-3555

Debra L. Billingsley
Disciplinary Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

and the original was hand-delivered to:

Office of Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603


LAWRENCE T. BUENING, JR.

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