

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

NOV 02 2001

Case No. 00-HA-17

KANSAS STATE BOARD OF
HEALING ARTS

IN THE MATTER OF)
)
ROBERT C. LAHUE, D.O.)
Kansas License No. 05-16563)
_____)

FINAL ORDER

NOW ON THIS Twentieth Day of October, 2001, this matter comes before the Board for review of an Initial Order filed September 28, 2000. Stacy L. Cook, Litigation Counsel, appears for Petitioner. Respondent appears in person, and states that he now participates in the matter without counsel.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. This matter was initiated by a Petition to Revoke, Suspend, or Otherwise Limit the license of Respondent. The petition alleged that Respondent was found guilty of seven felony counts in the United States District Court for the District of Kansas. The convictions involved violations of the Medicare Anti-Kickback Act, 42 U.S.C. § 1320a-7b.
2. The Initial Order included findings that Respondent had been convicted, but based upon mitigating factors and policy reasons, denied the petition. Petitioner requested review of the Initial Order.
3. Review of the Initial Order was stayed pending Respondent's appeal of the convictions to the Tenth Circuit Court of Appeals. Appeals to the Tenth Circuit have now been exhausted, with the appellate court upholding the convictions. Respondent intends to seek certiorari in the United States Supreme Court.
4. Respondent has filed a motion for another continuance of the review while his

request for a writ is considered by the Supreme Court. The Board concludes that granting the continuance lies within the Board's discretion. Further delay is not warranted, and the motion is denied.

5. The Board adopts the findings and conclusions stated in paragraphs 1-5 of the Initial Order.

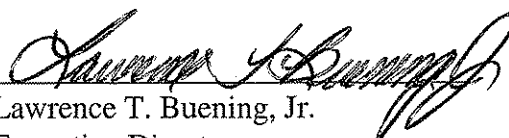
6. The Board finds and concludes that the mitigating circumstances stated in paragraph 6 of the Initial Order are not sufficiently compelling to warrant denial of the petition. The Board does not adopt the findings of paragraph 6.

7. The Board also finds that the policy reasons stated in paragraph 7 of the Initial Order are not supported by evidence in the record. The Board does not adopt the policy reasons stated in paragraph 7.

IT IS, THEREFORE, ORDERED that the license of Robert C. LaHue, D.O. is hereby revoked.

PLEASE TAKE NOTICE that this is a final order, and is effective upon service. A party may seek judicial review of a final order by filing a petition in the district court within 30 days following service of the order. Reconsideration is not a prerequisite to judicial review. A copy of any petition for judicial review must be served upon Lawrence T. Buening, Jr., Executive Director, 235 S. Topeka Blvd., Topeka, KS 66603.

DATED this 21st day of November, 2001.


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 2nd day of November, 2001, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Robert C. LaHue, D.O.
6300 W. 181st St.
Stilwell, Kansas 66085

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

Stacy L. Cook
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

A handwritten signature in cursive script, appearing to read "Cheryl Saylor", is written over a horizontal line.