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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)
Terrence Lee Lakin, D.O.)
)
Kansas License No.: Application Pending)
_____)

KSBHA Docket No.12-HA00029

FINAL ORDER DENYING APPLICATION FOR LICENSURE

NOW on this 21st day of October 2011, comes before the Kansas State Board of Healing Arts (“Board”) the application of Terrence Lee Lakin, D.O. (“Applicant”) for a license to practice osteopathic medicine and surgery in the State of Kansas. Licensee appears *pro se*. Stacy R. Bond, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to 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 file, receiving evidence, 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:

I. Findings

1. On approximately June 6, 2011, Applicant submitted an application for a license to practice osteopathic medicine and surgery in the State of Kansas. Such application was deemed complete and filed with the Board on September 21, 2011
2. On or about September 21, 2011, Associate Litigation Counsel filed a Response in Opposition to Application for License to Practice Osteopathic Medicine and Surgery.
3. Applicant, a former Lieutenant Colonel, was previously employed as a physician in the United States Army and most recently practiced at Walter Reed Army Medical Center in Washington, DC.

4. Applicant was subject to a general court-martial in December of 2010, and convicted of one (1) specification of missing movement, three (3) specifications of failing to obey a lawful order, and one (1) specification of being derelict in the performance of duties.

5. Consequently, Applicant was sentenced to six (6) months confinement and dismissed from service in the United States Army.

6. Applicant's convictions stem from his refusal to deploy and his disobedience of orders to deploy to Afghanistan in order to support Operation Enduring Freedom by rendering medical services.

7. Applicant's actions were based on his personal beliefs which questioned the validity of the President of the United States' citizenship and consequential right to hold office.

8. Applicant's Officer Evaluation Report in June of 2010, concluded that "[h]is failure to follow orders represented a significant problem to the deploying unit and this Command."

9. In support of his application, Applicant offered letters of recommendation from his defense attorneys in the court-martial.

II. Applicable Law

65-2836. Revocation, suspension, limitation or denial of licenses; censure of licensee; grounds; consent to submit to mental or physical examination or drug screen, or any combination thereof, implied. A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency, except that the board may take appropriate disciplinary action or enter into a non-disciplinary resolution when a licensee has engaged in any conduct or professional practice on a single occasion that, if continued, would reasonably be expected to constitute an inability to practice the

healing arts with reasonable skill and safety to patients or unprofessional conduct as defined in K.S.A. 65-2837, and amendments thereto.

III. Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions

10. There is no dispute of the material facts by the parties in this matter.

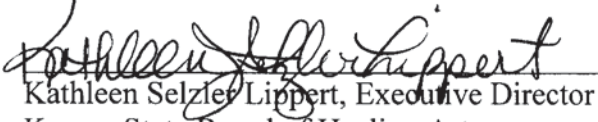
11. Applicant's actions and conduct underlying his court-martial convictions constitute dishonorable conduct.

12. Applicant's refusal to deploy to Afghanistan to provide medical services in support of Operation Enduring Freedom due to his own personal beliefs represents a disregard for his professional duties and undermines the integrity of the medical profession. Of even more significance, Applicant's actions potentially jeopardized the health, safety and welfare of the military troops for which Applicant was employed to provide medical care.

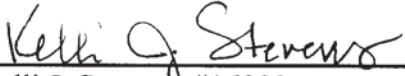
13. Denial of Applicant's application for licensure is warranted due to the egregiousness of Applicant's conduct.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant's application for licensure is hereby DENIED.

IT IS SO ORDERED THIS 21st DAY OF NOVEMBER, 2011, 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. 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, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 21st day of November, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Terrence Lee Lakin, D.O.
16001 Fields End Court
Woodbine, MD 21797-7542

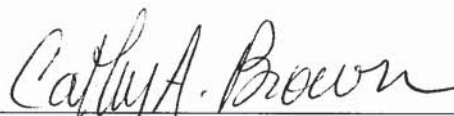
And a copy was hand-delivered to:

Stacy R. Bond, 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