

F I L E D

MAR 8 2002

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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
MICHAEL J. LISTON, M.D.)
Kansas License No. 4-24824)
_____)

Docket No. 02-HA-0039

FINAL ORDER

NOW ON THIS Twenty-third Day of February, 2002, this matter comes before the Board on a petition and Response in Opposition to an Application for Active Status. The Board appears through Kelli J. Benintendi, Associate Counsel. Licensee Michael J. Liston, M.D. appears in person and without counsel.

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

1. The Board initially granted Licensee a license to practice medicine and surgery in October 1992. His license has been designated as exempt since August 2001. He asks the Board to convert the license to active.
2. On November 15, 2000, Licensee was convicted of assault in the second degree in the Circuit Court for Jackson County, Missouri. That crime is a felony.
3. Licensee was placed on probation for three years and ordered to complete a batterer's intervention program.
4. The Board concludes that under K.S.A. 2001 Supp. 65-2836(c), if a licensee is convicted of a felony after July 1, 2000, the Board is required to revoke the license unless two-thirds of the Board members voting find that the licensee is not a threat to the public as a practitioner of the healing arts, and that the licensee is sufficiently rehabilitated to warrant the

public trust.

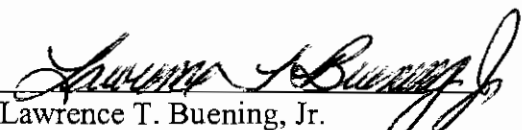
5. The Board has reviewed the progress notes by the program, and upon a motion duly made and adopted by at least a two-thirds majority of the members present and voting, find that Licensee has submitted clear and convincing evidence that he does not pose a danger to the public as a practitioner of the healing arts, and that he is sufficiently rehabilitated to warrant the public trust.

IT IS, THEREFORE, ORDERED that Licensee's request for an active license is approved, and the petition to discipline Licensee is denied.

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. 77-610, et seq. Reconsideration of the 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 S. Topeka Blvd., Topeka, KS 66603.

Dated this 8th Day of March 2002.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

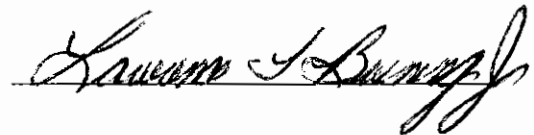
Certificate of Service

I certify that the foregoing Final Order was served this 8th day of March 2002 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Michael J. Liston, M.D.
3116 Blue Ridge Blvd.
Independence, MO 64052

and a copy was hand-delivered to:

Kelli J. Benintendi
Associate Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

A handwritten signature in cursive script, appearing to read "Lauren I. Bump", written over a horizontal line.

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In the Matter of)
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MICHAEL J. LISTON, M.D.)
Kansas License No. 4-24824)
_____)

Docket No. 02-HA-0039

FINAL ORDER (confidential)

NOW ON THIS Twenty-third Day of February, 2002, this matter comes before the Board following action on a petition and Response in Opposition to an Application for Active Status. The Board appears through Kelli J. Benintendi, Associate Counsel. Licensee Michael J. Liston, M.D. appears in person and without counsel.

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

1. The Board issued a Final Order on this date declining to revoke, suspend, or limit, the license of Licensee, and declining to censure or fine Licensee. The findings and conclusions stated in that Final Order are adopted by reference.

2. (confidential)

(confidential)

IT IS, THEREFORE, ORDERED that (confidential)

(confidential)

for a period of at

least five years. At any time after the expiration of the five-year period, Licensee may personally appear before the Board and show cause (confidential)

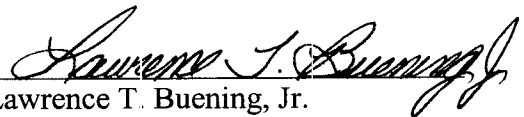
(confidential)

IT IS FURTHER ORDERED that the Board's determination that Licensee shall
(confidential) is to be accurately reported as required by any provision of
law and by the Federation of State Medical Boards, but is not deemed to constitute a disciplinary
limitation.

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon
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Dated this 8th Day of March 2002.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director