

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

In the Matter of the  
Application for Reinstatement of License  
to Practice Medicine and Surgery  
of JOSE R. LOMBILLO, M.D.

ORDER DENYING REINSTATEMENT

NOW on this 14th day of October, 1989, comes on for determination by conference proceedings the Application for Reinstatement of License to practice medicine and surgery in the State of Kansas filed by Jose R. Lombillo, M.D. (hereinafter "Applicant"). The Applicant appeared in person.

After considering the application file, the exhibits offered by Applicant during the conference hearing and being otherwise duly advised in the premises, the Kansas State Board of Healing Arts (hereinafter "Board"), sitting at a regular meeting and serving as a presiding officer in conference proceedings pursuant to K.S.A. 1988 Supp. 77-511 and 77-533, as amended by L. 1989, Ch 283, finds as follows:

1. Applicant was originally granted license number 14171 to practice medicine and surgery in the State of Kansas on the 23rd day of April, 1969.
2. Applicant's license in the State of Kansas was cancelled at his request on May 23, 1980 and was not thereafter renewed.

3. On May 4, 1989, Applicant's Application for Reinstatement was received in the Board office together with certain accompanying documents. Upon review of said Application, it was determined additional information was required as a result of Applicant's response to section IV. PREVIOUS LICENSURE.

4. That on July 21, 1989, the Board received certified copies of the Recommended Order entered by the State of Florida, Division of Administrative Hearing and the Final Order entered by the Florida Board of Medicine in case entitled "Department of Professional Regulation, Petitioner v. Jose Rodriguez Lombillo, M.D.", DPR Case No. 0059424 and DOAH Case No. 86-3650.

5. Documentation revealed that Applicant's license in the state of Florida was revoked on October 30, 1987 and on January 20, 1989, said revocation was affirmed by the Florida Court of Appeals. Further, on February 28, 1989, Applicant's Motion for Rehearing was denied which resulted in Applicant's appeal to the Florida Supreme Court.

6. Pursuant to K.S.A. 1988 Supp. 65-2836(1), a certified copy of the record of revocation by another jurisdiction constitutes conclusive evidence thereof.

7. On October 2, 1989, a Notice of Conference Hearing was issued to Applicant to appear at the Board's regularly scheduled meeting to be held October 14, 1989.

8. At the Conference Hearing conducted October 14, 1989, before the entire Board serving as Presiding Officer, Applicant acknowledged that his medical license in the State of Florida had been revoked and such revocation had theretofore been upheld by the Florida state courts.

9. K.S.A. 1988 Supp. 65-2809 states that a licensee who allows his or her license to lapse by failing to renew may be reinstated upon recommendation of the Board.

10. Pursuant to K.S.A. 1988 Supp. 65-2805 the Board may refuse to grant a license to any person, otherwise qualified, upon any of the grounds for which a license may be revoked under the Healing Arts Act.

11. Pursuant to K.S.A. 1988 Supp. 65-2836, a license may be revoked upon any of the following grounds:

" . . .

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency.

. . .

(1) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof."

12. Pursuant to K.S.A. 1988 Supp. 65-2837(b), "unprofessional conduct" includes:

" . . .

(12) Conduct likely to deceive, defraud or harm the public.

. . .

(16) Commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice.

. . .

(23) Prescribing, dispensing, administering, distributing a prescription drug or substance, including a controlled substance, in an excessive, improper or inappropriate manner or quantity or not in the course of the licensee's professional practice."

13. The acts and conduct as found by the Florida Board of Medicine to have been committed by Applicant constituted unprofessional conduct.

14. The acts and conduct as found by the Florida Board of Medicine to have been committed by Applicant constituted dishonorable conduct.

15. That the aforementioned findings constitute sufficient grounds to deny Applicant's Application for Reinstatement pursuant to K.S.A. 1988 Supp. 65-2836(b) and (1).

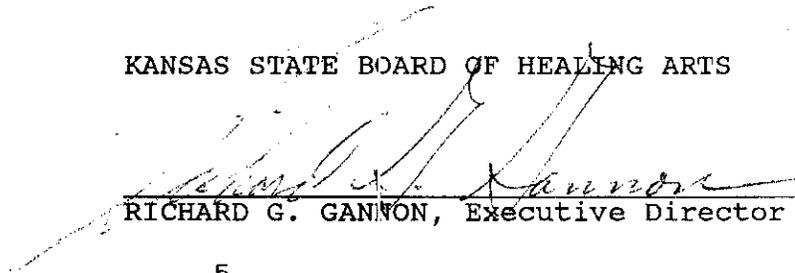
IT IS THEREFORE BY THE BOARD ORDERED AS FOLLOWS:

- a. That the findings hereinabove made be and the same are hereby made a part of and incorporated in the Order of the Board.
- b. That Applicant's Application for Reinstatement received by the Board on May 4, 1989 be denied.
- c. That this constitutes a Final Order of the Board pursuant to K.S.A. 1988 Supp. 77-526(a).
- d. That Applicant, within fifteen (15) days after service of this Order, may file a Petition for Reconsideration with the Board stating the specific grounds upon which relief is requested.
- e. That the filing of a Petition for Reconsideration is not a prerequisite for seeking judicial review of this Order in accordance with the act for judicial review and civil enforcement of agency actions (K.S.A. 77-601 et seq.).
- f. That this Order shall be effective from and after its service on Applicant.

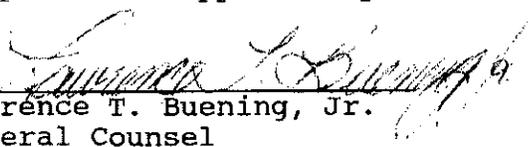
IT IS SO ORDERED.

DATED this 1st day of November, 1989.

KANSAS STATE BOARD OF HEALING ARTS

  
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RICHARD G. GANNON, Executive Director

Prepared and Approved by:

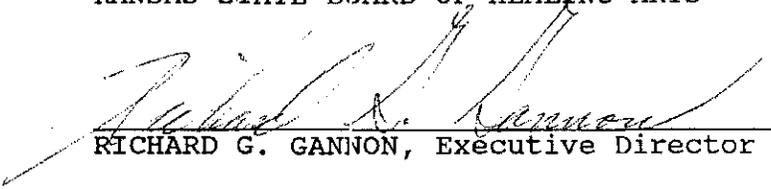
  
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Healing Arts  
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Topeka, Kansas 66612  
(913) 296-7413

CERTIFICATE OF SERVICE

I, Richard G. Gannon, do hereby certify that on the 1st day of November 1989, a copy of the above and foregoing Order Denying Reinstatement was deposited in the United States mail, first class, postage prepaid, addressed to:

Jose R. Lombillo, M.D.  
680 2nd Avenue, #302  
Naples, Florida 33940

KANSAS STATE BOARD OF HEALING ARTS

  
RICHARD G. GANNON, Executive Director