

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

DEC 21 1999

KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
PHILIP W. LORTZ, M.D.)
Application for Reinstatement of)
License to Practice Medicine and Surgery)
_____)

Case No. 00-HA-013

FINAL ORDER

NOW ON THIS Eleventh Day of December, 1999, comes before the Board of Healing Arts the application of Philip W. Lortz, M.D. for reinstatement of a license to practice medicine and surgery. Applicant appears in person and through Frank M. Rice, Attorney at Law. Stacy L. Cook appears for the Board in opposition to the application. After hearing the testimony of Applicant and the arguments of counsel, and having the agency record before it, the Board finds, concludes and orders as follows:

1. The material facts in this matter are not disputed, thus, a conference hearing is the appropriate procedure to consider the application.
2. Applicant was first issued a license to practice medicine and surgery June 16, 1989. This license was not renewed. The Board canceled the license on July 1, 1991 based upon the non-renewal.
3. Applicant was subsequently issued a medical license in the State of Florida. The date the license was issued was June 22, 1994. This license was then revoked effective October 30, 1996. The revocation was based upon Applicant's sexual misconduct occurring September 9, 1995. The Florida board reinstated Applicant's license as indicated in an order dated May 7, 1999. This reinstatement is conditioned upon several practice limitations.
4. The sexual misconduct that led to Applicant's license revocation in Florida involved a

female who sought a medical examination. This examination was necessary to complete a visa for travel to Australia. The examination occurred in Applicant's home. Though the patient participated in verbal bantering with Applicant which had sexual overtones, she did not consent to sexual physical contact. Applicant used physical force while attempting to engage in sexual contact with the patient. This physical force resulted in minor injury to the patient.

5. The Board concludes that Applicant's conduct constitutes grounds for denying the application under the Kansas healing arts act. Specifically, K.S.A. 1998 Supp. 65-2837(b)(16) defines unprofessional conduct as including any act of sexual abuse or misconduct related to professional practice. K.S.A. 1998 Supp. 65-2836(b) provides that an application for reinstatement of a license to practice the healing arts may be denied for unprofessional conduct.

6. Applicant provides evidence suggesting he does not pose a threat to the public. He argues that Florida's reinstatement of his license and the lack of a danger to the public are mitigating factors. However, the Board finds that Applicant's conduct not only is defined as unprofessional under the healing arts act, it was grossly dishonorable. The misconduct not only involved a complete obliteration of the professional boundary between physician and patient, it would have been wrongful even if there had been no physician-patient relationship. In applying its discretion, the Board concludes that the application should be denied.

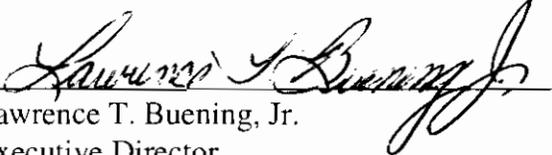
IT IS, THEREFORE, ORDERED that the application for reinstatement is denied.

PLEASE TAKE NOTICE that this is a final order. A final order is effective upon service. A party may seek 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 for seeking review. A copy of any petition for judicial review must be served upon Lawrence T. Buening, Jr.,

Executive Director for the Board.

DATED THIS 21st Day of December, 1999.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing final order was served this 21st day of December, 1999 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Philip W. Lortz, M.D.
11209 W. Douglas
Wichita, Kansas 67209

Frank M. Rice
Attorney at Law
115 S.E. 7th
P.O. Box 26667
Topeka, Kansas 66601

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

Stacy L. Cook
Litigation Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

