

FILED

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FEB 17 1993

In the Matter of)
LEO N. MARCAYDA, PT)
_____)

**KANSAS STATE BOARD OF
HEALING ARTS**

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 13th day of February, 1993, comes on for conference proceedings the request of Leo N. Marcayda, (hereafter "Applicant") to grant Third Temporary Permit pursuant to K.A.R. 100-36-1.

Applicant appears in person pro se. Charlene K. Abbott, Licensing Administrator, appears on behalf of the Board. There are no other appearances.

After reviewing the files, hearing statements of Applicant and being duly advised in the premises, the Kansas State Board of Healing Arts (hereafter "Board") makes the following findings of facts, conclusions of law and order:

1. A request for a Third Temporary Permit was filed by Applicant on February 8, 1993.
2. Notice of Conference Hearing setting this matter for hearing at 9:00 a.m. on February 13, 1993 was waived by Applicant upon the signing of a Waiver of Prior Notice of Meeting and Agenda.
3. Applicant has applied for permanent registration as a physical therapist, but has not passed an exam approved by the Board as required by K.S.A. 65-2906.

4. Applicant was granted a temporary permit on May 7, 1992 and was subsequently granted a second temporary permit issued on September 2, 1992.

5. Pursuant to K.A.R. 100-36-1, not more than two temporary permits shall be issued to any one person without the majority approval of the members of the Board and only for good cause shown.

6. Applicant has failed the examination twice, on July 23, 1992 with a score of 56 and on November 5, 1992 with a score of 63.

7. Prior to receiving a temporary permit in Kansas, Applicant failed the examination in Indiana with a score of 63.

8. Applicant has failed to provide good cause for the granting of a third temporary permit.

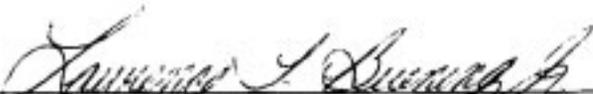
IT IS THEREFORE ORDERED that a third temporary permit for the purposes of holding oneself out as a physical therapist shall not be issued to Applicant.

IT IS FURTHER ORDERED that this is a Final Order and is effective upon service upon the parties. Any party may, within 15 days after service, file a Petition for Reconsideration. The filing of a Petition for Reconsideration is not a prerequisite for seeking administrative or judicial review.

IT IS SO ORDERED.

DATED this 17th day of February, 1993.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR. 99125
Executive Director

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., do hereby certify that on the 17th day of February, 1993, a copy of the above and foregoing Final Order Following Conference Hearing was deposited in the United States mail, first class, postage prepaid, addressed to:

Leo N. Marcayda, PT
202 N. Rock Road, Apt. 417
Wichita, KS 67206

and the original was hand-delivered to:

Charlene K. Abbott
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603


LAWRENCE T. BUENING, JR.

LTB18/marcayda.ord

KANSAS STATE BOARD OF HEALING ARTS
235 S. Topeka Blvd.
Topeka, Kansas 66603

WAIVER OF PRIOR NOTICE OF MEETING AND AGENDA

I, the undersigned, do hereby waive ten days prior notice of a Conference Hearing required by K.S.A. 77-518 and made applicable to conference proceedings by K.S.A. 77-534 and consent that said hearing may be held at the office of the Kansas State Board of Healing Arts, office, 235 S. Topeka Blvd., Topeka, Kansas 66603 on the 13th day of February, 1993 at 9:00 a.m. regarding my request for a ^{third} ~~second~~ temporary permit.

DATED THIS 13th day of February, 1993.



Leo N. Marcayda, P.T.