

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

In the Matter of the)
Cancellation of License of)
)
JOSEPH F. MARTINAK, M.D.)
License No. 4-15753)
)
_____)

OCT 15 1993

KANSAS STATE BOARD OF
HEALING ARTS

**ORDER DENYING RECONSIDERATION OF
ORDER OF CANCELLATION OF LICENSE**

NOW on this 9th day of October, 1993, comes on for reconsideration before the Kansas State Board of Healing Arts (hereinafter "Board") sitting as a whole the request by Joseph F. Martinak, M.D. (hereinafter "Applicant") to vacate the Proposed Default Order of Cancellation of License. Applicant does not appear.

After reviewing the request and being otherwise duly advised in the premises, the Board makes the following findings of fact:

1. Applicant was originally licensed to practice medicine and surgery in the State of Kansas on June 14, 1974.
2. Pursuant to K.S.A. 65-2809 and K.A.R. 100-15-1, licenses to practice medicine and surgery expire on June 30 of each year and may be renewed annually upon the request of the licensee by providing a request for renewal on a form provided by the Board.
3. K.S.A. 65-2809(d) requires that at least 30 days before expiration of a license the Board notify licensee of the expiration of a license by mail to licensee's last address as noted in Board

ORDER DENYING RECONSIDERATION OF
ORDER OF CANCELLATION OF LICENSE
Joseph F. Martinak, M.D.

records. Upon failing to renew by the expiration date the Board will suspend action for 30 days following the date of expiration and provide a second notice to licensee that licensee's license has expired.

4. On May 14, 1993, in accordance with the statutory provisions, Applicant was mailed the form necessary to renew his license which was addressed to his last address noted in Board records. This first notice was never returned to the Board office.

5. On July 20, 1993, a second notice indicating Applicant's license had expired and that the Board would suspend action on the license for 30 days following expiration of said license was mailed. This second notice was never returned to the Board office.

6. In accordance with K.S.A. 65-2809(d) and 77-520, a Proposed Default Order of Cancellation of License was mailed and received by Applicant, as acknowledged in Applicant's letter received in the Board office September 9, 1993.

7. The Proposed Default Order of Cancellation provided it would become effective upon expiration of seven days following service if a written motion requesting said Order be vacated was not received during said period.

8. On August 23, 1993, pursuant to the Proposed Default Order of Cancellation of License, Applicant's license to practice medicine and surgery was cancelled.

9. On August 25, 1993, an application for renewal and application for exempt license both dated July 9, 1993 were

received in the Board office. This renewal was returned to Applicant August 26, 1993 due to the cancellation of Applicant's license August 23, 1993.

10. By letter received September 9, 1993 in the Board office, Applicant requested special consideration with respect to the cancellation of said license. A personal check dated October 4, 1993 in the amount of \$165 was also received in the Board office.

IT IS THEREFORE BY THE BOARD ORDERED that Applicant's request to reconsider and vacate the Proposed Default Order of Cancellation of License should be denied.

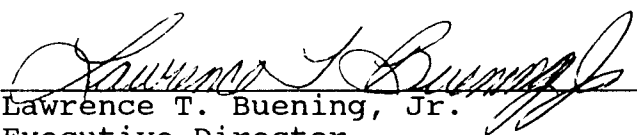
IT IS FURTHER ORDERED that Applicant should be required to comply with the requirements necessary to reinstate his license in order to again have a valid license to practice medicine and surgery in the State of Kansas.

IT IS FURTHER ORDERED that this is a Final Order and is effective upon service on 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 15th day of October, 1993.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068
(913) 296-7413

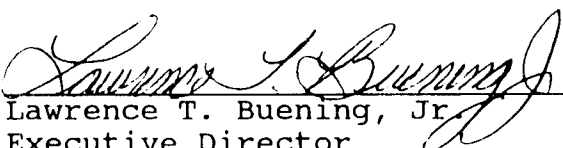
CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., hereby certify that on the 15th day of October, 1993, a true and correct copy of the above and foregoing ORDER DENYING RECONSIDERATION OF ORDER OF CANCELLATION OF LICENSE was deposited in the United States mail, postage prepaid, to the following:

Joseph F. Martinak, M.D.
16016 Arbor Court
Omaha, Nebrask 68130

and the original was hand-delivered to:

Charlene K. Abbott
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068


Lawrence T. Buening, Jr.
Executive Director

a:martinak.ord (ges)

ORDER DENYING RECONSIDERATION OF
ORDER OF CANCELLATION OF LICENSE
Joseph F. Martinak, M.D.