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KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
Santiago Martinez-Jimenez, MD	)	
	)	Docket No. 11-HA00005
Application for Licensure	)	
	)	

FINAL ORDER
(Pursuant to K.S.A. 77-501 et seq.)

Pursuant to the authority granted to the Kansas State Board of Healing Arts ("Board") by K.S.A. 65-2801 et seq. and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 et seq., the Board hereby enters this Final Order in the above-captioned matter. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

I. Findings of Fact

The Board has been shown the following facts:

1. Santiago Martinez-Jimenez ("Applicant") 7039 Calais Dr., Durham, NC 27712, submitted an Application for Licensure to Practice Medicine and Surgery ("Application") in the State of Kansas on March 19, 2010.
2. In a March 7, 2010, letter to the Board Applicant sought waiver of the requirements of K.A.R. 100-6-2 which requires completion of postgraduate training or residency training of at least two years in length for an applicant for licensure in medicine and surgery.
3. With waiver of the requirements of K.A.R. 100-6-2, Applicant would be eligible for licensure by endorsement pursuant to K.S.A. 65-2833.

4. Applicant stated he held clinical positions and had been actively involved in radiology resident education at Louisiana State University Health Sciences Center from 2004 through 2006 and Duke University Medical Center since March 2006.

5. Applicant provided a letter from Dr. Jeff Kunin ("Dr. Kunin"), M.D., Chairman, Department of Radiology at Saint Luke's Hospital of Kansas City in support of licensure. Dr. Kunin stated Applicant has practiced medicine as a radiologist in the United States since 2004.

6. Applicant has not had a medical license limited, suspended, or revoked or been censured or had other disciplinary action taken against his license.

7. Applicant currently holds an active license in the State of North Carolina and an inactive license in the State of Louisiana.

II. Applicable Law

a. K.S.A. 65-2833

b. K.A.R. 100-6-2

III. Public Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

> Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #7, the Applicable Law and the Public Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

8. Applicant sought waiver of the requirements of K.A.R. 100-6-2.
9. If waiver of the requirements of K.A.R. 100-6-2 is granted, Applicant is eligible for licensure by endorsement by virtue of his licensure to practice in the State of North Carolina pursuant to K.S.A. 65-2833.
10. Applicant has practiced medicine as a radiologist in the United States since September 2004.
11. Applicant has not had his license limited, suspended, or revoked or been censured or had other disciplinary action taken against his license.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:

12. Applicant is hereby **GRANTED** a waiver of the postgraduate requirements as set forth in K.A.R. 100-6-2.
13. Applicant is hereby **GRANTED** licensure by endorsement pursuant to K.S.A. 65-2833.
14. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 26 DAY OF Aug, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

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. 77-601, et seq. Reconsideration of a 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 Kathleen Selzler Lippert, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 26th day of August, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Dr. Santiago Martinez-Jimenez
7039 Calais Dr.
Durham, NC 27712

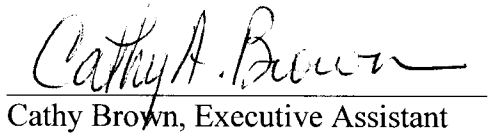
And a copy was hand delivered to the office of:

Julia Mowers, Associate Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603



Cathy Brown, Executive Assistant