

FILED
APR 22 2004
KANSAS STATE BOARD OF
HEALING ARTS

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

In the Matter of)
)
Gerard A. Matthys, D.P.M.)
Kansas License No. 12-00107)
_____)

Docket No. 04-HA-20

FINAL ORDER

NOW ON THIS Seventeenth Day of April 2004, this matter comes on for review of the Initial Order issued by Frank K. Galbraith, D.P.M., Presiding Officer. Kelli J. Benintendi, Associate Counsel, appears for the Board. Applicant does not appear.

Having the agency record before it, the Board adopts the findings 1-7 of the Initial Order as the findings of the Board, and does not adopt finding number 8. The Initial Order is modified as indicated below. The Board finds:

1. Applicant is in default by his non-appearance. The allegations in the answer in opposition to reinstatement are deemed not to be disputed, and are the basis for the findings of the Board.
2. Applicant previously held a license to practice podiatry in the State of Kansas. That license expired September 30, 2002. Applicant did not renew the license, and as a result the Board cancelled the license on November 1, 2002.
3. Applicant submitted an application for reinstatement in August 2003.
4. Applicant failed to disclose an indictment by a federal grand jury, alleging 24 counts of health care fraud and 14 counts of mail fraud.
5. Applicant was not convicted of the crimes, but instead entered into a civil settlement with the Office of Inspector General, resulting in exclusion from the Medicare and Medicaid programs for a period of four years.

6. Applicant practiced podiatry after his license was cancelled.

7. The Board concludes that Applicant's failure to disclose the indictment and his unlicensed practice of podiatry is ground to deny the application for reinstatement.

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

PLEASE TAKE NOTICE that this Final Order is effective upon service. A party may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-610, et seq. Reconsideration of the 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 the Board's executive director at 235 S. Topeka Blvd., Topeka, KS 66603.

Dated this 22ND Day of April 2004.

Kansas State Board of Healing Arts

/s/
Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 22nd day of April 2004 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Gerard A. Matthys, D.P.M.
5353 Somerset Drive
Prairie Village, KS 66207

and a copy was hand-delivered to:

Kelli J. Benintendi
Associate Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

____Lawrence J. Buening, Jr.____