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

KS State Board of Healing Arts

In the Matter of)
)
James McCullough, M.D.)
License No. 04-20311)
_____)

Docket Number: *09-HA00066*

SUMMARY ORDER

NOW ON THIS *10th* day of November, 2008, this matter comes before Jack Confer, Acting Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

After reviewing the agency record and being duly advised in the premises, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

1. James McCullough, M.D. ("Licensee") was originally issued license number 04-20311 to practice medicine and surgery in the State of Kansas on December 9, 1983.
2. K.A.R. 100-15-5 requires each Licensee desiring to renew a Medical Doctor license to submit to the Board documented evidence of completion of a minimum of 50 contact hours of continuing education since January 1, 2007, or 100 contact hours of continuing education since January 1, 2006, or 150 contact hours of continuing education since January 1, 2005, before or with the request for renewal.
3. On or about June 5, 2008, Licensee submitted an application for renewal of their license.
4. As part of the renewal process, Licensee certified that the rules regarding proof of continuing education had been read, that one hundred fifty hours of continuing education had

been achieved, and that documentation of those hours would be maintained for a three-year period and produced to the Board upon request.

5. As part of the renewal process, Licensee further certified that the notice regarding the Board's procedures for auditing continuing education compliance had been read.

6. Licensee was randomly selected to provide verification of compliance with the continuing education requirements and on September 19, 2008, a letter was mailed to Licensee requesting that Licensee provide no later than October 31, 2008, the records relied upon when Licensee certified achievement of the required continuing education hours.

7. In addition to any other penalty prescribed under the healing arts act, K.S.A. 65-2863a authorizes the Board to assess an administrative fine in an amount not exceeding \$5,000 for the first violation of the healing arts act.

8. Licensee failed to provide documented evidence of completion of the minimum continuing education hours by the due date.

9. By failing to provide documented evidence of licensee's continuing education, Licensee has violated K.S.A. 65-2836(r), failing to respond to the Board's legal request for information.

IT IS, THEREFORE, ORDERED that the license of Licensee issued by the Board to practice medicine and surgery in the state of Kansas is hereby fined \$500 for failure to respond to the Board's legal request for information. The fine is due within thirty days of the effective date of this order.

IT IS FURTHER ORDERED that you shall submit proof that you have met your continuing education requirements for the previous year to the Board within fifteen days

following service of this summary order. Your license may be suspended if the records are not received by that date.

PLEASE TAKE NOTICE that this is a summary order. A party to whom a summary order is issued may file a written request for a hearing within 15 days following service of the summary order. If a hearing is not requested, the summary order shall become effective as a final order of the Board upon expiration of the time for requesting a hearing. A request for a hearing must be addressed to Jack Confer, Acting Executive Director, 235 South Topeka Boulevard, Topeka, Kansas 66603.

DATED this 15th day of November, 2008.

KANSAS STATE BOARD OF HEALING ARTS



Jack Confer
Acting Executive Director

CERTIFICATE OF SERVICE

I, do hereby certify that on the 12th day of November, 2008, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

James McCullough, M.D.
5800 W 181st St
Stilwell, KS 66085

and a copy hand delivered to the office of:

Kathleen Selzler Lippert
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 6603-3068

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

and the original filed with the office of the Acting Executive Director.



Cathy Brown
Executive Assistant

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

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KS State Board of Healing Arts

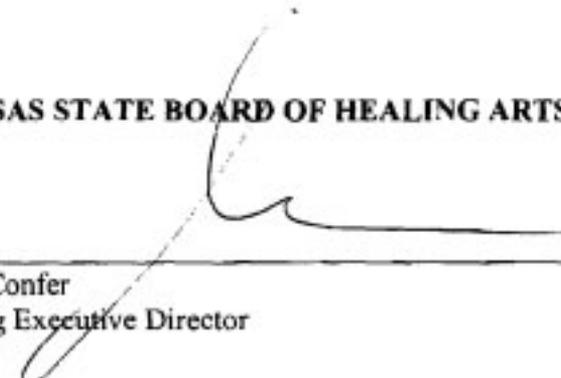
In the Matter of)
James McCullough, MD) Docket No. 09-HA00066
Kansas license No. 04-20311)

JOURNAL ENTRY OF SATISFACTION

NOW, on this 19th day of December 2008, this matter comes before Jack Confer, Acting Executive Director of the Kansas State Board of Healing Arts. After reviewing the agency records and being duly advised in the premises, the Acting Executive Director finds that James McCullough, MD has fully satisfied the requirements set forth in the Summary Order filed November 12, 2008, by paying the fine imposed in the amount of \$500 and providing documentation of completion of one hundred fifty continuing education credits; that the requirements of the Summary Order have been fully satisfied; and that no further proceedings are required.

DATED this 19th day of December, 2008

KANSAS STATE BOARD OF HEALING ARTS



Jack Confer
Acting Executive Director

CERTIFICATE OF SERVICE

I do hereby certify that on the 19th day of December, 2008, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

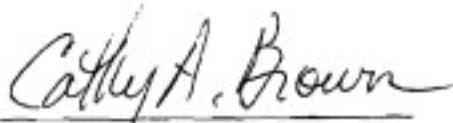
James McCullough, MD
5800 W 181st St
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and a copy hand delivered to the office of:

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Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 6603-3068

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and the original filed with the office of the Executive Director.



Cathy Brown
Executive Assistant