

FILED

CAB

APR 30 2010

BEFORE THE KANSAS STATE BOARD
OF HEALING ARTS

KS State Board of Healing Arts

| | | |
|-----------------------------|---|------------------------|
| In the Matter of | } | |
| David Melniczek, M.D. | } | |
| | } | |
| Kansas License No. 04-32480 | } | Docket No. 07-HA-00081 |
| _____ | } | |

FINAL ORDER

NOW this April 16, 2010 the above captioned matter comes before the Kansas State Board of Healing Arts (Board) on the petitioner's Motion to Toll Provision of the Consent Order. The petitioner appears by and through Kelli J. Stevens Litigation Counsel. The respondent, David Melniczek, does not appear. There are no other appearances. The Board, being familiar with the file, after hearing the statements of counsel, after hearing the sworn testimony of the respondent and being duly apprised of the premises finds and concludes as follow:

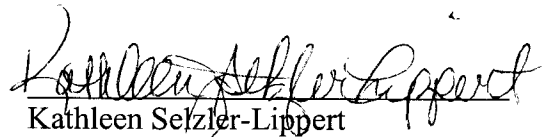
1. The disciplinary panel consisting of Dr. Conley and Dr. Beezley recuse themselves.
2. The Board finds that Dr. Melniczek has an inactive Kansas license to practice medicine and surgery.
3. The Board finds that Dr. Melniczek currently has an unrestricted license issued by Pennsylvania.
4. The Board finds it in the best interests of the public that Dr. Melniczek be released from monitoring.
5. The Board further orders that a notation be placed in Dr. Melniczek's file notifying the Board that if Dr. Melniczek applies to change his status from "inactive" to "active" the request for change of licensure be reviewed by Board staff and the Disciplinary Panel for appropriate action.

6. The Motion to Toll Provisions of the Consent Order are DENIED in part and GRANTED in part consistent with the terms of this Final Order.

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 Interim Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.

DATED: April 21 2010.


Kathleen Selzler-Lippert
Acting Executive Director
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing FINAL ORDER was served by depositing the same in the United States mail, first-class postage prepaid, this 30th day of April, 2010, addressed to:

David Melniczek
400 Mitti Road
Shillington, PA 19607

Kelli Stevens
Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603

With the original going to:

Kathleen Selzler-Lippert
Interim Executive Director
235 SW Topeka Blvd.
Topeka, KS 66603

And a copy to:

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603

