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JUN 29 2010

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
Reinaldo Mijares, M.D.)
License No. 04-25360)
_____)

Docket No. 09-HA00040

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. Reinaldo Mijares, M.D. (“Licensee”), **Confidential** Wichita, Kansas 67226, is licensed to practice surgery and medicine in the State of Kansas, License No. 04-25360, and has been so licensed since October 15, 1994.
2. On September 24, 2008, a Summary Order was filed against Licensee alleging Licensee failed to keep written medical records pursuant to K.S.A. 65-2837(b)(25), K.S.A. 65-2836(k) and K.A.R. 100-24-1 and that a report of **Confidential** constituted a violation of K.S.A. 65-2836(s).
3. Licensee did not request a hearing on the Summary Order within the timeframe set forth in K.S.A. 77-542. Accordingly, the Summary Order became effective as a Final Order on October 14, 2008.

4. Pursuant to the terms of the Final Order, the Licensee was placed on probation for a term of one year.
5. Licensee was also required to comply fully and promptly with all requirements related to the production and maintenance of medical records pursuant to the terms of the Final Order.
6. On April 5, 2010, Licensee stated in a letter that he successfully completed his one year probation period and specifically requested termination of his probationary period.
7. Licensee's probation is not self-terminating.
8. On October 22, 2009, Francie H. Ekengren, Chief Medical Officer of Wesley Medical Center provided a letter stating that Licensee was in compliance Wesley Medical Center's Staff Rules and Regulations regarding completion of medical records.

II. Applicable Law

K.S.A. 65-2801 states:

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.

K.S.A. 65-2836 states, in pertinent part:

“A licensee's license may be revoked, suspended, or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon the finding of the existence of any of the following grounds...”

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 #8, the Applicable Law and the Public Policy Statement set forth above:


THE BOARD HEREBY CONCLUDES AS FOLLOWS:

9. The probationary period set forth in the Final Order issued October 14, 2008 is not self-terminating.
10. Documentation provided to the Board by Wesley Medical Center's Chief Medical Officer states Licensee is in compliance with Wesley Medical Center's Medical Staff Rules and Regulations regarding completion of medical records.
11. The time period of Licensee's probationary period has elapsed.
12. The Board's Disciplinary Panel does not object to removing the limitation on upon Licensee's license.

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

13. The probationary period limitation on Licensee's license as set forth in the October 14, 2008 Final Order is hereby **TERMINATED**.
14. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 28 DAY OF June, 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 29th day of June, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Reinaldo Mijares, MD
Confidential
Wichita, KS 67226


Gregory S. Young
Hinkle Elkouri Law Firm LLC
2000 Epic Center
301 North Main Street
Wichita, KS 67202-4820

And a copy was hand delivered to the office of:

Stacy Bond
Associate Litigation Counsel
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