

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

OCT 27 2004

KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
)
JAMES M. MOORE, M.D.)
Applicant for Licensure)

Docket No.: 05-HA-15

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 16th day of October, 2004, this matter comes on for consideration before the Kansas State Board of Healing Arts (“Board”) sitting as a whole as Presiding Officer in a conference proceeding pursuant to the provisions of K.S.A. 77-533 through 77-535, the application for licensure to practice medicine and surgery in the state of Kansas.

Kelli J. Benintendi, Associate Counsel, appears for the Board. Applicant appears in person *pro se*.

After reviewing the material presented and being otherwise duly advised in the premises, the Board finds as follows:

1. On or about June 1, 2004, James M. Moore, M.D. (“Applicant”) submitted an application for a license to practice medicine and surgery in the state of Kansas.
2. Applicant disclosed on his application that he has had five medical liability claims either settle or result in judgment against him since 1984. Each of those claims involved allegations of negligence in Applicant’s surgical treatment of patients.
3. Allegations involving acts of negligent treatment to patients in performing surgery are similar to acts or conduct which would constitute grounds for disciplinary action under the Healing

Arts Act.

4. The circumstances involved in the medical liability claims, including the nature of the claims, the lack of discipline of Applicant in the state of Virginia, the nature of Applicant's speciality, and the period of time involved in the occurrences do not establish incompetency of Applicant.

After consideration of counsel's statements and sworn testimony given by Applicant, the Board determines and orders the following:

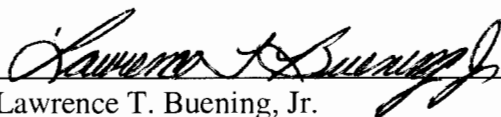
IT IS ORDERED that the acts and conduct involved in the five medical liability claims do not constitute grounds for which to deny Applicant's application for licensure to practice medicine and surgery in the state of Kansas.

IT IS FURTHER ORDERED that this is a Final Order and is effective upon service upon the parties. Any party may, within fifteen days after service, file a Petition for Reconsideration, stating the specific grounds upon which relief is requested. The filing of a Petition for Reconsideration is not a prerequisite for seeking administrative or judicial review.

IT IS SO ORDERED.

DATED this 26th day of October, 2004.

KANSAS STATE BOARD OF HEALING ARTS



Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

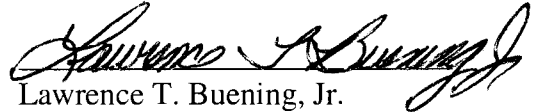
I, do hereby certify that on the 27th day of October, 2004, a true and correct copy of the above and foregoing **FINAL ORDER FOLLOWING CONFERENCE HEARING** was deposited in the United States mail, first class postage prepaid, to the following:

James M. Moore, III, M.D.
312 Olive Street, Apartment 201
Leavenworth, Kansas 66048

and a copy hand delivered to the office of:

Kelli J. Benintendi, Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original filed with the office of Executive Director.



Lawrence T. Buening, Jr.
Executive Director
(785) 296-3680