

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

**In the Matter of** )  
**John Fraiser Mumey, M.D.** )  
 )  
**Application for Kansas Licensure** )  
\_\_\_\_\_ )

**KSBHA Docket No. 12-HA00010**

**JOURNAL ENTRY**

**COMES NOW** the Kansas State Board of Healing Arts (“Board”), by and through its Executive Director, Kathleen Selzler Lippert, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the file and the applicable statutes and otherwise being duly advised in the premises, makes the following determinations:

1. On or about April 10, 2011, John Fraiser Mumey, M.D. (“Applicant”) submitted to the Board an application for a license to practice medicine and surgery in the State of Kansas. Such application was deemed complete and filed with the Board on or about July 14, 2011.

2. Applicant’s mailing address as provided to the Board is: confidential  
confidential Bixby, Oklahoma 74008.

3. A conference hearing on Applicant’s application for licensure was noticed for August 12, 2011 at the offices of the Kansas State Board of Healing Arts.

4. Applicant appeared by telephone at the conference hearing on August 12, 2011.

5. During the conference hearing, it was noted that Applicant’s application did not meet the technical requirement of having recommendations from two (2) licensed physicians.

6. The Board decided to continue the conference hearing to October 21, 2011, and allow Applicant the opportunity to meet the requirement before further considering his application. The Board also requested that Applicant appear in person at the October 21, 2011 hearing.

7. Pursuant to K.S.A. 2010 Supp. 77-531, Applicant was served with a Notice of Conference Hearing to Applicant's mailing address via United States Mail, first-class postage prepaid, on or about September 27, 2011.

8. The Notice of Conference Hearing provided Licensee notice that any party who fails to attend or participate in the Conference Hearing or other stage of a proceeding may be held in default.

9. Applicant failed to appear at the Conference Hearing held on October 21, 2011.

10. Pursuant to K.S.A. 77-516 and K.S.A. 2010 Supp. 77-520, Licensee was in default for his failure to appear at the conference hearing on October 21, 2011. Upon review of the agency record and after being fully advised, the Board found and concluded that the facts set forth in the Response to Application for License to Practice Medicine and Surgery were deemed undisputed.

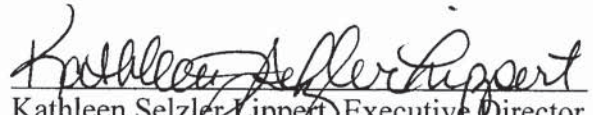
11. On November 21, 2011, a Proposed Default Order was issued against Applicant and copies of the Proposed Default Order were mailed to Applicant's mailing addresses by United States Mail, first-class postage prepaid.

12. Pursuant to K.S.A. 2010 Supp. 77-520, the Proposed Default Order notified Applicant that the order would become effective as a Final Order of the Board seven (7) calendar days following service of the order, unless within that seven (7) day period Licensee filed a written motion with the Board requesting that the proposed default order be vacated.

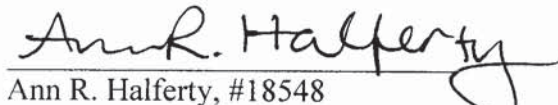
13. Licensee failed to file a Motion to Vacate the Proposed Default Order within the seven (7) day period following service of the order.

14. Pursuant to K.S.A. 77-520 and K.S.A. 77-531, the Proposed Default Order became effective as a Final Order on December 1, 2011, and Applicant's application to practice medicine and surgery in the State of Kansas is **DENIED**.

IT IS SO ORDERED THIS 30<sup>th</sup> DAY OF Dec, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

  
Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts

Prepared by:

  
Ann R. Halferty, #18548  
Assistant General Counsel  
Kansas State Board of Healing Arts

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true copy of the foregoing **JOURNAL ENTRY** was served this 20<sup>th</sup> day of December, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

John Fraiser Mumey, M.D.  
confidential

Bixby, Oklahoma 74008

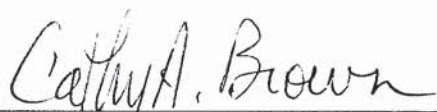
And a copy was hand-delivered to the office of:

Jessica Bryson, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And the original was filed with the office of:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

  
Cathy Brown  
Executive Assistant



FILED CAB

NOV 21 2011

K.S. State Board of Healing Arts

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

**In the Matter of**  
**John Fraiser Mumey, M.D.**  
  
**Application for Kansas Licensure**

**KSBHA Docket No. 12-HA00010**

**PROPOSED DEFAULT ORDER DENYING APPLICATION FOR LICENSURE**

NOW on this 21<sup>st</sup> day of October 2011, comes before the Kansas State Board of Healing Arts ("Board") the application of John Fraiser Mumey, M.D. ("Applicant") for a license to engage in the practice of medicine and surgery in the State of Kansas. Jessica Bryson, Associate Litigation Counsel, appears for Respondent Board. Applicant fails to appear.

The Board finds that Applicant is in default by his non-appearance at the scheduled Conference Hearing. The allegations stated in the Associate Litigation Counsel's Response to Application filed July 15, 2011, deemed undisputed. Pursuant to the authority granted to the 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 Proposed Default Order in the above-captioned matter. Based upon the undisputed facts, the Board finds, concludes and orders as follows:

**I. Findings**

1. On or about April 10, 2011, Applicant submitted to the Board an application for a license to practice medicine and surgery in the State of Kansas. Such application was filed with the Board July 14, 2011.

2. Applicant's mailing as address provided to the Board is: confidential  
confidential Bixby, Oklahoma 74008.

3. A conference hearing on Applicant's application for licensure was noticed for August 12, 2011 at the office of the Kansas Board of Healing Arts.

4. Applicant appeared by teleconference at the conference hearing on August 12, 2011.

5. During the conference hearing, it was noted that Applicant's application did not meet the technical requirement of having recommendations from two (2) licensed physicians.

6. The Board decided to continue the conference hearing to October 21, 2011, and allow Applicant the opportunity to meet the requirement before further considering his application. The Board also requested that Applicant appear in person at the October 21, 2011 hearing.

7. On September 27, 2011, a Notice of Conference Hearing was sent to Applicant's mailing address via United States Mail, first-class postage prepaid.

8. As noted above, Applicant failed to appear at the conference hearing on October 21, 2011.

9. The facts set forth in the Response to Application for License to Practice Medicine and Surgery are incorporated herein by reference, including Applicant's failure to disclose a 1981 arrest for grand larceny of a retailer in his application for licensure.

## **II. Conclusions**

10. Applicant has committed fraud or misrepresentation applying for an original license in violation of K.S.A. 65-2836(a).

11. Denial of the application for licensure is warranted due to Applicant's misrepresentation of facts in his application.

### **III. Policy Statement**

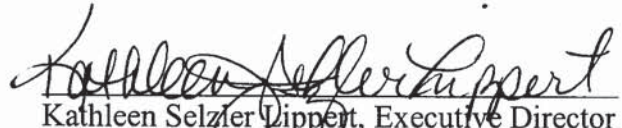
The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

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.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** that Applicant's application for licensure is hereby DENIED.

**IT IS FURTHER ORDERED** that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate in the circumstances.

**IT IS SO ORDERED THIS 21<sup>st</sup> DAY OF NOVEMBER, 2011, 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 Proposed Default Order. This order will become effective as a Final Order of the Board seven (7) calendar days following service of this order, as indicated in attached the Certificate of Service, unless within that seven (7) day period Licensee files a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. Any such motion must be filed with Kathleen Selzler Lippert, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.



**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true copy of the foregoing Proposed Default Order was served this 21<sup>st</sup> day of November, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

John Fraiser Mumey, M.D.  
confidential

Bixby, Oklahoma 74008


And a copy was hand-delivered to:

Jessica Bryson, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And the original was filed with the office of:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

  
Cathy Brown  
Executive Assistant