

**FILED**

June 3  
16 2000

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

**KANSAS STATE BOARD OF  
HEALING ARTS**

**In the Matter of** )  
**HAI V. NGUYEN, M.D.** )  
 )  
\_\_\_\_\_ )

Case NO. 00-HA-41

**INITIAL ORDER**

NOW ON THIS Third Day of June, 2000, comes before the Board of Healing Arts the application of Hai V. Nguyen (Applicant) for a license to practice medicine and surgery. Applicant appears in person and without counsel. Kelli J. Benintendi, Associate Counsel, appears in opposition to the application and has filed a written response to the application alleging grounds upon which the application may be denied.

The Presiding Officers appointed to hear the matter and to issue an Initial Order consists of Donald B. Bletz, M.D., President, Roger D. Warren, M.D., Howard D. Ellis, M.D., Ms. Sue Ice, Ms. Betty McBride, Ms. Emily Taylor, Ph.D., and Harold J. Sauder, D.P.M.

Having heard the evidence presented, the Presiding Officers find, conclude and order as follows:

1. Applicant initially filed an application for a license to practice medicine and surgery in November, 1998. A hearing on the application was scheduled for the February, 1999 Board meeting. Applicant did not appear at the hearing, and a proposed default order dated February 23, 1999 was issued. Applicant then asked the Board to vacate the default order. The request was denied in an order dated April 13, 1999.

2. Applicant submitted a second license application on March 7, 2000. The application

discloses that his medical license issued by the State of California was revoked.

3. The grounds for the disciplinary action by the California board included a refusal by Applicant to comply with a lawful board order. Specifically, the California medical board issued an order on February 26, 1998 requiring Applicant to submit to a psychiatric evaluation. Applicant did not appear for the evaluation, and his license was subsequently suspended on May 21, 1998. Applicant continued to refuse to comply with the evaluation order. The California medical board revoked the license on September 23, 1998.

4. As provided by K.S.A. 1999 Supp. 65-2836(j) and (s), the Board may deny an application to practice the healing arts upon a finding that the applicant has had a license to practice the healing arts revoked by another state's licensing agency, or if sanctions have been taken against the applicant by another governmental agency for conduct that could constitute grounds for discipline under the healing arts act.

**IT IS, THEREFORE, ORDERED** that the application of Hai V. Nguyen, M.D. for a license to practice medicine and surgery is denied.

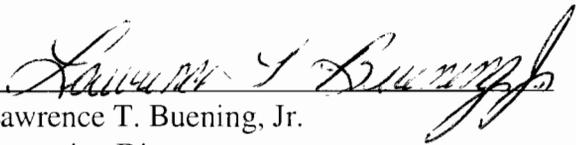
**IT IS FURTHER ORDERED** that Board Exhibit I, admitted as evidence in the proceeding, is subject to a protective order. That document shall not be disclosed or produced to any third party except by written release by Applicant. This protective order shall not preclude the parties from using the exhibit as necessary in any subsequent administrative or judicial review of this matter.

**PLEASE TAKE NOTICE** that this is an Initial Order. A party to an agency proceeding may seek review of an Initial Order by filing a Petition for Review within 15 days after service of the Initial Order. Any Petition for Review must be filed with Lawrence T. Buening, Jr., Executive Director, at 235 S. Topeka Blvd., Topeka, Kansas 66603. A Petition for Review must state its basis.

If no Petition for Review is filed, or if the agency does not give notice that it will conduct review upon its own motion, the Initial Order shall become effective as the Final Order of the Board 30 days following service of the Initial Order.

DATED THIS 16<sup>th</sup> day of June, 2000.

STATE BOARD OF HEALING ARTS

  
Lawrence T. Buening, Jr.  
Executive Director

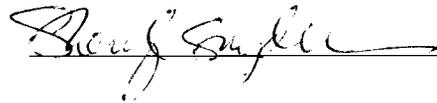
**Certificate of Service**

I certify that a true copy of the foregoing order was served this 16<sup>th</sup> day of June, 2000 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Hai V. Nguyen, M.D.  
3209 W. 9<sup>th</sup> Street  
Lawrence, Kansas 66049

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

Kelli J. Benintendi  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
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