

**FILED**

DEC 12 1994

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**KANSAS STATE BOARD OF  
HEALING ARTS**

In the Matter of	)	
	)	
TRI DANG NGUYEN, M.D.	)	Case No. 94-00126
Applicant for Reinstatement	)	
License No. 4-18443	)	
_____	)	

**FINAL ORDER**

**NOW** on this 9th day of December, 1994, 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 of Tri Dang Nguyen, M.D. ("Applicant") for reinstatement of license to practice medicine and surgery in the State of Kansas. Gretchen E. Schmidt, Associate Counsel, appears for and on behalf of the Board. Applicant appears pro se.

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

**FINDINGS OF FACT**

1. On September 13, 1993, Applicant filed an Application for Reinstatement to obtain a license to practice medicine and surgery in the State of Kansas.
2. Based upon information provided by Applicant in his application, the Board conducted an investigation into Applicant's affirmative answers to questions 5, 8, 10, 11 and 16 of Section VI of the application.
3. On December 6, 1990, the Medical Board of California revoked Applicant's

California medical license. Said revocation was based upon a finding of gross negligence and incompetence regarding the treatment of a 32-year-old female patient. The California Order of Revocation noted that Applicant acted as both surgeon and anesthesiologist when performing an elective surgery; Applicant failed to have appropriate resuscitation equipment and personnel; Applicant failed to have detailed operative and anesthetic records; and Applicant failed to properly manage the height of spinal anesthesia.

4. On November 12, 1991, the Illinois Department of Professional Regulation revoked Applicant's Illinois medical license due to the revocation of his California medical license.

5. On November 18, 1992, the Department of Health and Human Services issued Medicaid/Medicare sanctions upon Applicant based upon the revocation of his California medical license.

6. Applicant was denied reinstatement by the State of California on September 6, 1993.

#### CONCLUSIONS OF LAW

1. Applicant has had a license to practice the healing arts revoked by the proper licensing authority of another state, specifically the States of California and Illinois, in violation of K.S.A. 65-2836(j).

2. Sanctions or disciplinary actions have been taken against Applicant by a governmental agency, specifically the Department of Health and Human Services, in violation of K.S.A. 65-2836(s).

of K.S.A. 65-2836(s).

3. The above-noted facts and conclusions constitute grounds for which the Board may deny an Application for Reinstatement to practice medicine and surgery in the State of Kansas.

**IT IS THEREFORE BY THE BOARD ORDERED** as follows:

(A) That the findings herein above made be in the same are made the Order of the Board.

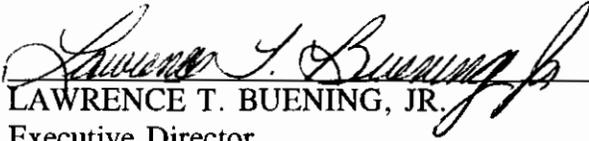
(B) Adequate information has been provided to the Board to justify denial of a permanent license to Applicant to practice medicine and surgery in the State of Kansas. Applicant's Application for Reinstatement is therefore **DENIED**.

(C) This is a Final Order and is effective upon services upon the parties. Any party may, within 15 days after service, file a Petition for Reconsideration. The filing of a Petition for Reconsideration is not a prerequisite for seeking administrative or judicial review.

**IT IS SO ORDERED.**

**DATED** this 12<sup>th</sup> day of December, 1994.

KANSAS STATE BOARD OF HEALING ARTS

  
LAWRENCE T. BUENING, JR.  
Executive Director

**CERTIFICATE OF SERVICE**

I, Lawrence T. Buening, Jr., certify that on this 13<sup>th</sup> day of December, 1994, a true and correct copy of the above **FINAL ORDER** was deposited in the United States mail, first class, postage prepaid, addressed to the following:

Tri Dang Nguyen, M.D.  
222 East 16th, Lot 8  
Concordia, Kansas 66901

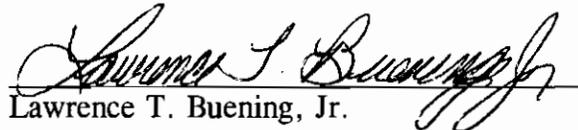
and copies were hand-delivered to:

Gretchen E. Schmidt  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603-3068

Charlene K. Abbott  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603-3068

and the original was hand-delivered to:

Office of the Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603-3068

  
Lawrence T. Buening, Jr.

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**FINAL ORDER**

Tri Dang Nguyen, M.D.