

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

In the Matter of )  
 )  
JEAN-DANIEL POLICARD, M.D. )  
Applicant for Licensure )  
 )  
Institutional License 8-00249 )

**RECEIVED**

OCT 30 1996

KANSAS STATE BOARD OF  
HEALING ARTS

**ORDER DENYING RECONSIDERATION**

NOW, on this 19th day of October, 1996, comes on for consideration before the Kansas State Board of Healing Arts (hereinafter "Board") the request of Jean-Daniel Policard, M.D. (hereinafter "Applicant") for reconsideration of the Final Order Following Conference Hearing filed September 16, 1996.

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

**FINDINGS OF FACT**

1. The Board has twice considered Applicant's request (April 11, 1996 and August 2, 1996) that the Board waive the requirement of passage of National Board of Medical Examiners Part I and II, Flex Component I or USMLE

Step 1 and 2 and accept passage of the Foreign Medical Graduate Examination in the Medical Sciences as meeting the examination required under K.S.A. 65-2873(a)(1).

2. The Board appointed a committee on April 27, 1996 to review Applicant's application. That committee met and recommended denial of Applicant's application due to Applicant's failure to have passed the basic science examination which had been approved by the Board as meeting the requirements of permanent licensure. However, the committee also recommended that the Applicant could seek reconsideration outside of the time limitations imposed by K.S.A. 77-529 in the event Applicant would lose his current employment position due to closure or downsizing of the institution and obtain a position in a community mental health center which is not an institution within the Department of Corrections or Department of Social and Rehabilitation Services.

3. On August 17, 1996, the Board ordered that the Application For Endorsement of Applicant to practice medicine and surgery in the State of Kansas be denied since Applicant had not passed an examination at least equal in quality to the examination required by the Board in the basic science subjects for purposes of obtaining a permanent license in the State of Kansas.

4. On September 16, 1996, a Final Order Following Conference Hearing was filed and served on Applicant.

5. On September 17, 1996, Applicant's request for reconsideration was filed in the Board office.

6. On October 19, 1996, the matter was set in conference proceedings before the Board on the request of Applicant for reconsideration of the Final Order. Lawrence T. Buening, Jr., Executive Director, appeared for the Board. Applicant appeared pro se. The Board advised Applicant that legislative initiative would more appropriately be the avenue for seeking change to the statutes.

### CONCLUSIONS OF LAW

1. The request for reconsideration was filed by Applicant within 15 days following service of the Final Order.

2. On October 19, 1996, the Board reviewed the Final Order of September 16, 1996 and Applicant's letter requesting reconsideration which was filed on September 17, 1996. However, after reviewing the file, hearing the statements of the parties and being otherwise duly advised in the premises the Board finds no evidence or just cause to reconsider its Final Order of September 16, 1996.

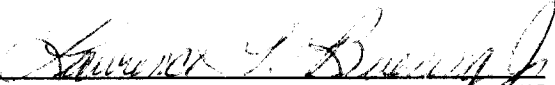
**IT IS THEREFORE BY THE BOARD ORDERED** that Applicant's request for reconsideration be **DENIED**.

Any party may seek judicial review of the Final Order by filing a petition in the District Court within 30 days following service of the Final Order, except that such time is extended during timely attempts to exhaust administrative remedies.

**IT IS SO ORDERED.**

**DATED** this 30<sup>th</sup> day of October, 1996.

**KANSAS STATE BOARD OF HEALING ARTS**

  
**LAWRENCE T. BUENING, JR., #9125**  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603

**CERTIFICATE OF SERVICE**

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 30<sup>th</sup> day of October, 1996, a copy of the above and foregoing **ORDER DENYING RECONSIDERATION** was deposited in the United States mail, first class postage prepaid the following:

Jean-Daniel Policard, M.D.  
101 Cottage Drive  
Larned, Kansas 67550

a copy was hand delivered to:

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

and the original was filed with the office of Executive Director.

  
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LAWRENCE T. BUENING, JR.

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