

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
SEP 16 1996

**KANSAS STATE BOARD OF
HEALING ARTS**

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

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 17th day of August, 1996, comes on for Conference Hearing before the Kansas State Board of Healing Arts (hereinafter "Board") sitting as a whole, the application of Jean-Daniel Policard, M.D. (hereinafter "Applicant") for a permanent license to practice medicine and surgery in the State of Kansas.

Applicant appeared in person pro se. Lawrence T. Buening, Jr., Executive Director of the Board, presented information to the Board.

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

1. Applicant is employed by the Department of Social and Rehabilitation Services and, under K.S.A. 65-2895, currently is the holder of institutional license

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8-00249, originally issued September 16, 1994 and which will expire September 16, 1996.

2. On January 12, 1996, Applicant and four other individuals submitted a letter to the Board which was received January 17, 1996 and in which letter a request was made for the Board to grant an unlimited permanent license to each of the signators to the letter.

3. At the Board Meeting conducted February 17, 1996, the January 12, 1996 letter was considered by the Board but no action was taken since Applicant had not, at that time, submitted an application for license.

4. On March 25, 1996, Applicant filed in the Board office an Application For Endorsement to practice medicine and surgery in the State of Kansas.

5. K.S.A. 65-2833 authorizes the Board to issue a license, without examination, if the applicant presents certain proof satisfactory to the Board and specifically under subsection (b) provides proof that Applicant's original license was based upon an examination at least equal in quality to the examination required in this State.

6. K.S.A. 65-2873(a)(1) provides that an applicant for license to practice any branch of the healing arts must present evidence to the Board of passage of such examination as the Board may require in the basic science subjects.

7. For individuals applying for a license to practice medicine and surgery the Board has required passage of National Board of Medical Examiners Part I and II, FLEX Component 1 or USMLE Steps 1 and 2 as meeting the requirements of an examination in the basic science subjects under K.S.A. 65-2873(a)(1).

8. As part of his application, Applicant did not provide proof of passage of any of the three aforementioned examinations, but did provide proof of passage of the Foreign Medical Graduate Examination in the Medical Sciences which was administered by the Educational Commission for Foreign Medical Graduates for purposes of its certificate and under the provisions of Public Law 94-484 to allow foreign national graduates to meet examination requirements in order to obtain a visa in order to enter the United States to perform services as members of the medical profession or to receive graduate medical education.

9. The Board has previously approved the Foreign Medical Graduate Examination in the Medical Sciences as being the approved examination in the basic sciences for the purposes of receiving an institutional license under K.S.A.

65-2895, but the Board has never accepted passage of the said examination as meeting the requirements of an examination in the basic sciences to obtain a full permanent license under K.S.A. 65-2873 or K.S.A. 65-2833.

10. Applicant's application for license was set for Conference Hearing at the Board Meeting, April 27, 1996.

11. At the Board Meeting conducted April 27, 1996, Applicant appeared pro se and requested 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).

12. At the meeting conducted April 27, 1996, the Board appointed a committee to review Applicant's application.

13. Prior to the date of the Conference Hearing, the Board 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 license. However, the committee recommended that the Applicant could seek reconsideration outside of the time limitations imposed by K.S.A. 77-529 in the event he 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.

IT IS THEREFORE BY THE BOARD ORDERED as follows:

a) That the above findings of fact are undisputed and should be made the order of the Board.

b) That the Application For Endorsement of Applicant to practice medicine and surgery in the State of Kansas should be denied since he has 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.

c) Applicant may request reconsideration of the denial of license at any time should he lose his current employment 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. Upon receipt of such request, the Board may approve or deny licensure, or may take additional evidence regarding approval of a basic science examination other than those previously approved.

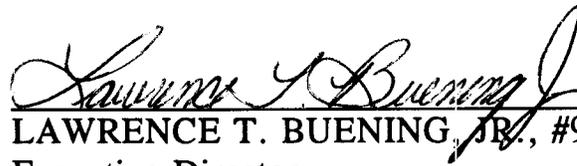
d) This is a Final Order and is effective upon service upon the parties. Any party may, within fifteen (15) days after service, file a Petition for Reconsideration and, Applicant may also file a Petition for Reconsideration at any

time should the events occur as specified in paragraph c) above. The filing of a Petition for Reconsideration is not a prerequisite for seeking administrative or judicial review.

IT IS SO ORDERED.

DATED this 16th day of September, 1996.

KANSAS STATE BOARD OF HEALING ARTS



LAWRENCE T. BUENING, JR., #9125
Executive Director

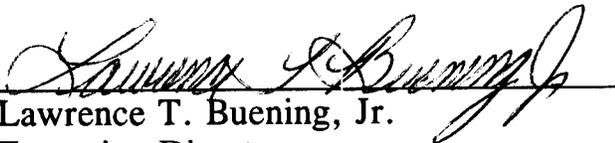
CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 16th day of September, 1996, a copy of the above and foregoing Final Order Following Conference Hearing was deposited in the United States mail, postage prepaid, first class to the following:

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

and a copy was hand-delivered to:

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


Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-3680

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