

F I L E D

MAR 8 2002

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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
RICHARD E. RATTAY, M.D.)
Application for Kansas License)
_____)

Docket No. 02-HA-38

FINAL ORDER

NOW ON THIS Twenty-third Day of February, 2002, this matter comes before the Board upon a petition alleging Respondent Richard E. Rattay, M.D. has been convicted of a felony. Kelli J. Benintendi, Associate Counsel, appears for the Board. Respondent appears in person and without counsel.

After hearing the statements of the parties, and having the agency record before it, the Board finds, concludes and orders as follows:

1. Respondent has applied for a licensed to practice medicine and surgery. In his application he disclosed that he had been convicted of Arson in the Second Degree in June 1987 by the District Court for Cerro Gordo County, Iowa.

2. Respondent graduated from the University of Iowa, College of Medicine in 1993. He completed post-graduate training programs at the University of Indiana and at the University of Missouri-Kansas City.

3. Respondent is licensed to practice medicine and surgery in the State of Missouri. That license is active with no disciplinary history.

4. The Board concludes that under K.S.A. 2001 Supp. 65-2836(c), an application for a license received after July 1, 2000 must be denied if the applicant has previously been convicted of a felony unless two-thirds of the Board members voting find that the licensee is not a threat to the public as a practitioner of the healing arts, and that the licensee is sufficiently rehabilitated to warrant the public trust.

5. Upon a motion duly made and adopted by at least a two-thirds majority of the members present and voting, the Board finds that Licensee has submitted clear and convincing evidence that he does not pose a danger to the public as a practitioner of the healing arts, and that he is sufficiently rehabilitated to warrant the public trust.

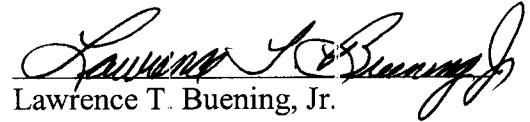
IT IS, THEREFORE, ORDERED that the objection stated in the Board's response in opposition to the application is denied.

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-610, et seq. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for

judicial review must be served upon the Board's executive director at 235 S. Topeka Blvd.,
Topeka, KS 66603.

Dated this 8th Day of March 2002.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 8th day of March 2002 by
depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Richard E. Rattay, M.D.
12704 Connell
Overland Park, Kansas 66213

and a copy was hand-delivered to:

Stacy L. Cook
Litigation Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

