

CAB

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
Terence Robertson, MD)
)
Kansas License No. 04-25833)
_____)

Docket No. 11-HA00047

FINAL ORDER FOLLOWING CONFERENCE HEARING
(Pursuant to K.S.A. 77-501 et seq.)

NOW on this 25th day of February 2011, comes before the Kansas State Board of Healing Arts (“Board”) the request of Terence Alan Robertson, M.D. (“Licensee”) for Application for Change of Designation/Type of Licensee’s license to practice medicine and surgery in the State of Kansas. Licensee appears by and through Blake Reeves, Attorney at Law, and in person. Stacy Bond, Associate Litigation Counsel, appears for the Board.

Pursuant to the authority granted to Board by K.S.A. 65-2801 et seq. and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 et seq., the Board hereby enters this Final Order in the above-captioned matter. After reviewing the file, hearing the statements and arguments of Ms. Bond, hearing the statements and arguments of Mr. Reeves, hearing the testimony of Licensee and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions and order:

I. Findings of Fact

The Board has been shown the following facts:

1. On or about August 30, 2010, Licensee submitted to the Board an application to reinstate Licensee’s license to practice medicine and surgery in the State of

Kansas to an active status. Such application was deemed complete on December 9, 2010.

2. Licensee's mailing address as provided to the Board is: confidential
Overland Park, Kansas 66213.
3. On or about August 12, 1995, Licensee was originally granted a license to practice medicine and surgery in the State of Kansas and issued License No. 04-25833. Subsequently, Licensee allowed his license to become inactive.
4. Licensee has a current active license to practice medicine and surgery in the State of Missouri. On or about May 6, 2008, Licensee's Missouri license was placed in a probationary status for seven (7) years.
5. confidential
6. Licensee disclosed on his current application several past criminal offenses that Licensee had not previously disclosed on his initial application for license or on his past renewal applications.
7. confidential

8. confidential

9.

10.

11. On or about May 6, 2008, Licensee entered into a settlement agreement with
The Missouri State Board of Registration for the Healing Arts. The agreement
placed Licensee's license to practice medicine and surgery in the State of
Missouri on probation for a period of seven (7) years confidential
confidential

12.

13.

14.

15.

16. Licensee will continue to be monitored by his primary state of practice, the State of Missouri, until May 2015.

17. Licensee testified that he wishes to reactivate his State of Kansas licensee for two (2) reasons: The first (1st) reason is in order to participate in the Kansas Health Stabilization Fund. The second (2nd) reason is because the anesthesia community in Kansas City is very dynamic and Licensee would like the opportunity to be able to pursue at least part-time employment in the State of Kansas and possibly a permanent job assignment in Kansas sometime in the future.

II. Applicable Law

- a. K.S.A. 77-501 et seq. – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801 et seq. – Kansas Healing Arts Act
- c. K.S.A. 65-2836 – Revocation, suspension, limitation or denial of licenses; censure of licensee; grounds, consent to submit to mental or physical examination or drug screen, or any combination thereof, implied

III. Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions

Based upon the Findings of Fact enumerated in Paragraphs #1 through #17, the Applicable Law, and Policy Statement set forth above the Board hereby concludes as follows:

18. confidential

19. The Board finds Licensee met his burden of proof to a sufficient degree to receive Designation/Type to active license in order to practice medicine and surgery in the State of Kansas.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:

20. Licensee's application for Change of Designation/Type to an active license to practice medicine and surgery in the State of Kansas is hereby **GRANTED**.

21. The Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 11 DAY OF March, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

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. 77-601, et seq.

Reconsideration of a 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 Kathleen Selzler Lippert, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 14th day of March, 2011 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Blake Reeves
POLSINELLI SHUGHART PC
Twelve Wyandotte Plaza
120 W. 12th Street
Kansas City, MO 64105

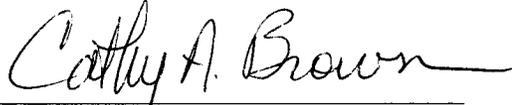
And a copy was hand delivered to the office of:

Stacy Bond, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant