

RECEIVED

OCT 16 1989

KANSAS STATE BOARD OF
HEALING ARTS

BEFORE THE KANSAS STATE BOARD OF HEALING ARTS

In the Matter of
DAVID A. SAPPERSTEIN, DPM
Kansas License Number P-174

ENFORCEMENT ORDER

NOW, on this 13 day of October, this matter comes before the Kansas State Board of Healing Arts (hereafter "Board") as a result of a Stipulation having been entered into between the Board and the above-named Licensee.

The Board appears by and through its General Counsel, Lawrence T. Buening, Jr. David A. Sapperstein, DPM (hereafter "Licensee") appears by and through his counsel, Harold S. Youngentob. There are no other appearances.

After examining the files, hearing the statements and arguments of counsel and being otherwise duly advised in the premises, the Board finds as follows:

1. That on or about December 10, 1988, the Board issued an Order of Emergency Limitation of License which, Inter alia prohibited licensee from performing any surgical procedures which involve or affect bone.

2. That on the 14th day of December, 1988, the Honorable Thomas R. Conklin, District Court Judge, issued a temporary restraining order restraining and enjoining the Board from

enforcing the aforementioned Order of Limitation of License in Shawnee County District Court Case No. 88-CV-2031.

3. That, in lieu of further administrative and judicial proceedings, the Board and Licensee have heretofore entered into a Stipulation dated the 25th day of September, 1989, a copy of which is attached hereto as Exhibit "A".

4. That the recitations set forth on pages 1 and 2 of the aforementioned Stipulation should be made the Finding of Fact of the Board.

5. That Licensee has heretofore provided to the Board the attachment to his Surgical Consent Form has provided by paragraph 2 of the Stipulation.

6. That the aforementioned Stipulation should be made binding upon the Board and Licensee.

7. That the Order of Emergency Limitation of License issued by the Board on December 10, 1988, should be rescinded.

IT IS THEREFORE BY THE BOARD, CONSIDERED AND ORDERED THAT:

A. The findings here and above made be in the same are hereby made the order of the Board.

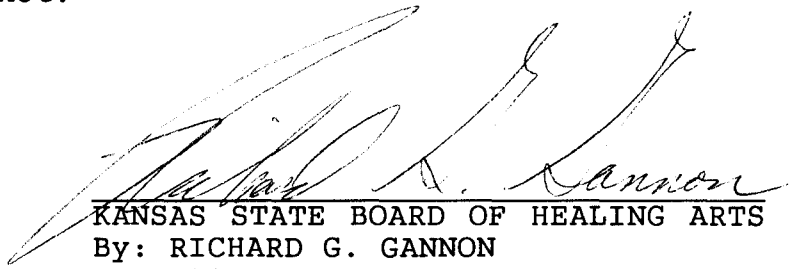
B. That the Stipulation attached hereto as Exhibit "A" is hereby approved and made binding upon the Board and Licensee.

C. That the Order of Emergency Limitation of License issued December 10, 1988 is hereby rescinded in its entirety and shall hereafter be null and void and in no further force and effect.

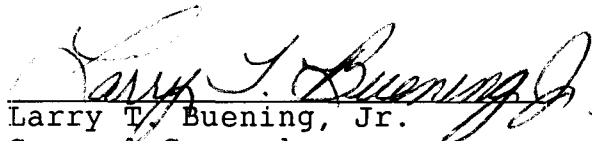
D. In the event Licensee fails to comply with any of the terms and conditions of the aforementioned Stipulation, the Board, may at its sole discretion, rescind such Stipulation and initiate

formal proceedings against Licensee pursuant to the Kansas
Administrative Procedure Act.


IT IS SO ORDERED.


KANSAS STATE BOARD OF HEALING ARTS
By: RICHARD G. GANNON
Executive Director

Prepared and Approved By:


Larry T. Buening, Jr.
General Counsel
Kansas State Board of
Healing Arts
Landon State Office Building
900 S.W. Jackson, Suite 553
Topeka, Kansas 66612-1256
(913) 296-7413

Approved By:


Harold S. Youngentob
515 South Kansas Avenue
Topeka, Kansas 66603-3999
Attorney for Licensee