

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

In the Matter of)
)
Robert P. Sherman, M.D.)
License Number 4-13122)

DEC 21 1993

**KANSAS STATE BOARD OF
HEALING ARTS**

FINAL ORDER ON RECONSIDERATION

NOW, on this 10th day of December, 1993, this matter comes on for further consideration before the Kansas State Board of Healing Arts, (hereinafter "Board") regarding the Petition For Reconsideration of the Final Order of Cancellation of License previously issued October 14, 1993 to Robert P. Sherman, M.D. (hereinafter "Licensee"). The Board appears by and through Charlene K. Abbott, Licensing Administrator. Licensee appears in person and by and through his counsel, Robert E. Lastelic. There are no other appearances.

After reviewing the file and hearing the statements of Ms. Abbott, the Board makes the following findings:

1. Licensee was originally granted license number 4-13122 to practice medicine and surgery in the State of Kansas on July 1, 1964. On May 14, 1993, in accordance with the statutory provisions, Licensee was mailed the proper renewal form necessary to renew his license which was addressed to his last address noted in Board records. This first notice was never returned to the Board office.

2. On July 20, 1993, a Second Notice indicating Licensee's license had expired and that the Board would suspend action on the license for 30 days following expiration of said license was mailed and returned to the Board office marked "MOVED - LEFT NO ADDRESS".

3. In accordance with K.S.A. 65-2809(d) and 77-520, a Proposed Default Order of Cancellation of License was mailed August 17, 1993 and received by Applicant on August 21, 1993 at his residence address.

4. The Proposed Default Order of Cancellation of License provided it would become effective upon expiration of seven (7) days following service if a written motion requesting said Order be vacated was not received during this period.

5. By letter dated August 23, 1993, Applicant requested withdrawal of Cancellation Notice within the seven (7) day time period for filing said request.

6. By letter dated September 20, 1993, Applicant submitted an Application for Renewal together with a check made payable to the Board dated September 20, 1993 in the sum of two hundred fifty dollars (\$250).

7. On October 14, 1993, a Final Order of Cancellation of License was filed in the Board office whereby Licensee's license to practice medicine and surgery in the State of Kansas was cancelled.

8. On October 29, 1993, Licensee filed a Petition for Reconsideration within the fifteen (15) day time period.

9. On December 10, 1993, Conference Proceedings were held on the Petition for Reconsideration at which time information was presented that the failure of Licensee to receive the notices of renewal was due to inadvertence, mistake and/or excusable neglect of the Licensee in apprising the Board office of his current mailing address.

10. That at such time as the Board staff mailed the proposed Default Order of Cancellation of License to an alternative address, that being the residence of Licensee, Licensee promptly responded thereto. Further, Licensee has held a license in the State of Kansas from and since July 1, 1964 and has not previously been delinquent in renewing said license.

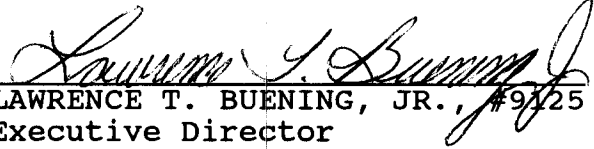
11. That for the inadvertence, mistake, and/or excusable neglect of Licensee in failing to keep the Board office advised of his current mailing address, Licensee should be assessed an administrative fine in the amount of three hundred dollars (\$300), receipt of which is hereby acknowledged as received in the Board office from and since the date of the hearing held December 10, 1993.

12. That Licensee's license to practice medicine and surgery in the State of Kansas is hereby renewed for the period of July 1, 1993 through June 30, 1994.

IT IS SO ORDERED.

DATED this 21st day of December, 1993.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR., #9725
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 21st day of December, 1993, a true and correct copy of the above and foregoing FINAL ORDER ON RECONSIDERATION was deposited in the United States mail, postage prepaid, first class to the following:

Robert P. Sherman, M.D.
2510 Grand Avenue, #704
Kansas City, Missouri 64108

Robert E. Lastelic
Capitol Federal Building
9500 Nall Avenue, Suite 401
Overland Park, Kansas 66207

and a copy was hand-delivered to:

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


LAWRENCE T. BUENING, JR.
Executive Director

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