

FILED

WISCONSIN STATE BOARD OF
ELECTIONS

MICHAEL WAYNE SHUCK, D.O.
Temporary Permit: T-45

FINAL ORDER ON RECONSIDERATION

Administrative notice is taken of all documents in the official agency file in the above-captioned case involving permittee. The facts and contents of the official agency file will be repeated here only as necessary to address the action by the Board. The official agency record reflects that a SUMMARY ORDER CANCELLING TEMPORARY PERMIT was issued pursuant to summary proceedings filed in the Board office and served on Permittee on December 13, 1990. In the SUMMARY ORDER CANCELLING TEMPORARY PERMIT, it was found and determined that the application for

postgraduate training program permit, dated June 18, 1989 and submitted by Permittee met the qualifications for a temporary permit under the provision of K.S.A. 1989 Supp. 65-2811(a)(3) and as a result, Permittee was issued Temporary Permit T-45 effective July 1, 1989. Said Temporary Permit T-45 issued to Permittee expired by its own terms on June 30, 1990. In the SUMMARY ORDER CANCELLING TEMPORARY PERMIT it was further found that Permittee had not submitted evidence necessary to qualify for a temporary permit under K.S.A. 1989 Supp. 65-2811(a)(2) nor had Permittee met the requirements for a permanent license to engage in the practice of osteopathic medicine and surgery, pursuant to K.S.A. 65-2873. On December 27, 1990, Permittee filed a timely REQUEST FOR HEARING on the SUMMARY ORDER CANCELLING TEMPORARY PERMIT. An INITIAL ORDER was filed with the Board's office on April 3, 1991, issued by the presiding officer with his specific finding of fact which stated that parts 1 and 2 of the examination given by the National Board of Osteopathic Medical Examiners or Part 1 of the FLEX examination are necessary to meet the examination in the basic and clinical sciences which has been approved by the Kansas State Board of Healing Arts and which constitutes a requirement for qualifications of a temporary permit, pursuant to K.S.A. 1989 Supp. 65-2811(a)(2). We agree.

However, during the continued deliberations relative to this matter based on reconsideration in compliance with K.S.A. 77-529 the Board recognizes, acknowledges and takes notice that

Permittee now has passed Part 1 of the National Board of Osteopathic Medical Examiners examination placing him in compliance with K.S.A. 1989 Supp. 65-2811(a)(2) [Statute remaining the same. K.S.A. 1991 Supp. 65-2811(a)(2)]

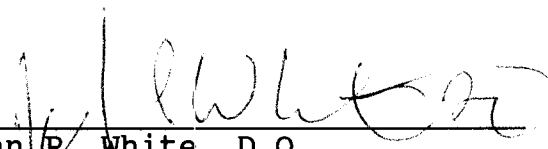
Based on these changed circumstances during the pendency of reconsideration by the Board, the Board finds that all actions taken by the Board prior to February 8, 1992 were lawful and in compliance with the Kansas Healing Arts Act and the Kansas Administrative Procedure Act. However, based on the change in circumstances, specifically the passing of the examination to place Permittee in compliance with K.S.A. 65-2811(a)(2), the Board, based on a principle of equity, hereby issues a temporary permit to Permittee in compliance with K.S.A. 65-2811(a)(2) and Permittee is hereby entitled to all benefits associated with K.S.A. 65-2811(a)(2).

The Board further notes and orders that the original Temporary Permit, T-45, issued July, 1, 1989, shall be deemed to have been a good and valid temporary permit from July 1, 1989 until December 20, 1991, the date of issue of Temporary Certificate #3483 under the authority of K.S.A. 65-2811(a)(2).

This Order shall modify the FINAL ORDER issued by the Board in the above-captioned case.

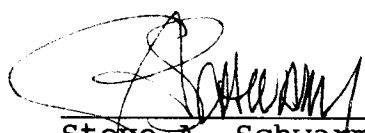
There are no additional matters to come before the Board. This FINAL ORDER (Modified) shall serve as FINAL ORDER of the Board and no other filing is necessary.

IT IS SO ORDERED on this 28 day of February, 1992.



John P. White, D.O.
Board President

Prepared and Approved by:



Steve A. Schwarm, #13232
Litigation Counsel
Kansas State Board of Healing Arts
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FINAL ORDER ON RECONSIDERATION
Michael Wayne Shuck, D.O.

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on this 28th day of February, 1992 a true and correct copy of the attached **FINAL ORDER ON RECONSIDERATION** was forwarded by United States certified mail, postage prepaid to:

Michael Wayne Shuck, D.O. (P 918 898 641)
505 N. Tyler, #1213
Wichita, Kansas 67212

Robertta Johnson (P 918 898 642)
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929 N. St. Francis
Wichita, Kansas 67214

and hand-delivered to:

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Litigation Counsel
State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603


Lawrence T. Buening, Jr.
Executive Director