

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
Sergey Shushunov, M.D.)
)
Kansas License No. 04-29772 (Revoked))
_____)

KSBHA Docket No. 14-HA00037

AMENDED FINAL ORDER DENYING RECONSIDERATION

NOW, on this 29th day of January, 2014, comes before the Presiding Officer John F. Settich, Ph.D. the timely Motion for Reconsideration filed by Licensee with respect to the Final Order Revoking Licensure issued December 31, 2013. In accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, specifically, K.S.A. 77-529, and upon due consideration of the agency record and being otherwise duly advised in the premises, the Presiding Officer makes the following determination:

After considering the arguments presented in Licensee's Motion for Reconsideration and the agency Associate Litigation Counsel's Response thereto, the Presiding Officer concludes that Licensee has not presented a compelling basis to demonstrate that the Board's findings of fact and conclusions of law in the Final Order Revoking Licensure are erroneous or otherwise should be vacated, modified or that the matter be remanded for further proceedings.

IT IS HEREBY ORDERED that Licensee's Motion for Reconsideration is DENIED.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS

John F. Settich, Ph.D. by KGS
John F. Settich, Ph.D., Presiding Officer

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. 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.* Pursuant to K.S.A. 77-613(c), a petition for judicial review is not timely unless filed within **30 days** following service of a Final Order. Pursuant to K.S.A. 77-529(c), a copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

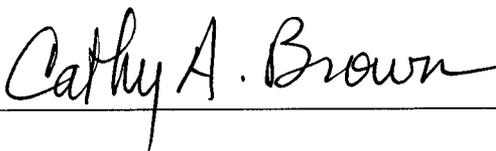
I, the undersigned, hereby certify that on this 30th day of January, 2014, a true and correct copy of the above and foregoing **AMENDED FINAL ORDER DENYING RECONSIDERATION** was served by depositing the same in the United States Mail, first-class postage prepaid, and addressed to the following:

Mark Stafford
Holbrook & Osborn, P.A.
107 SW 6th Avenue, Suite 210
Topeka, KS 66603

And a copy was hand-delivered to:

Susan Gering, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, KS 66612

And the original was filed with the office of the Executive Director.



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

In the Matter of)
Sergey Shushunov, M.D.)
) **KSBHA Docket No. 14-HA00037**
Kansas License No. 04-29772 (Revoked))
_____)

AMENDED FINAL ORDER DENYING MOTION FOR STAY

NOW, on this 29th day of January, 2014, comes before the Presiding Officer John F. Settich, Ph.D. the timely Motion for Stay filed by Licensee with respect to the Final Order Revoking Licensure issued December 31, 2013. In accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, specifically, K.S.A. 77-528, and upon due consideration of the agency record and being otherwise duly advised in the premises, the Presiding Officer makes the following determination:

Licensee was convicted of two felony crimes involving violence against another person. The Kansas Legislature has mandated in K.S.A. 65-2836(c), that the Board revoke the license of any licensee convicted of a felony crime, regardless of whether the crime was related to the licensee's professional practice. The sole exception to revocation exists when a 2/3 majority of the voting Board members conclude there is clear and convincing evidence that such licensee is "sufficiently rehabilitated to warrant the public trust."

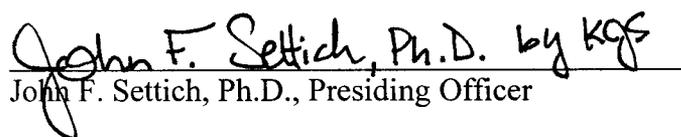
In this matter, the Board specifically determined that Licensee did not meet his burden to prove he was sufficiently rehabilitated. The Board found that Licensee's efforts toward rehabilitation were primarily for Licensee's own benefit. The Board placed significance on the egregious nature of Licensee's crimes; the fact that Licensee remains under scrutiny while on criminal probation; and the adverse effect Licensee's crimes have on the public's trust in the

healthcare profession. The Presiding Officer concludes Licensee has not presented a compelling basis to stay the decision of the Board to revoke Licensee's license.

IT IS HEREBY ORDERED that Licensee's Motion for Stay is DENIED.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS


John F. Settich, Ph.D., Presiding Officer

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 30th day of January, 2014, a true and correct copy of the above and foregoing **AMENDED FINAL ORDER DENYING STAY** was served by depositing the same in the United States Mail, first-class postage prepaid, and addressed to the following:

Mark Stafford
Holbrook & Osborn, P.A.
107 SW 6th Avenue, Suite 210
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