

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
DEC 18 2014
KS State Board of Healing Arts

In the Matter of)
CHRISTIAN SINCLAIR, M.D.)
)
Kansas License No. 04-30752)
_____)

KSBHA Docket No. 15-HA00046

FINAL ORDER GRANTING CHANGE OF LICENSE DESIGNATION/TYPE

NOW on this 12th day of December 2014, comes before the Kansas State Board of Healing Arts (“Board”) the Application for Change of Designation/Type filed by Christian Sinclair, MD (“Licensee”). Licensee appears in person, and through counsel, Mark Stafford of Simpson, Logback, Lynch, Norris, P.A. Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Respondent 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 agency record and exhibits admitted, hearing the testimony of Licensee and arguments of both counsel, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. On or about June 19, 2004, Licensee was issued Kansas license No. 04-30752.
2. On or about January 16, 2012, at Licensee’s request, Licensee’s license designation/type was changed from active to inactive.
3. On or about April 8, 2014, Licensee’s application for change of designation/type from inactive back to active was received by the Board.

4. On or about November 17, 2014, Licensee's application for change of designation/type was deemed complete and was filed with the Board.

5. On or about November 25, 2014, Associate Litigation Counsel filed a Response in Opposition to Application to Change Designation/Type ("Response").

6. The Response alleged that Licensee had violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), by performing healthcare services that were beyond the scope of an inactive license. Specifically, that Licensee's acts and conduct as the Medical Director for Gentiva Health Services, constituted the active practice of medicine.

7. The Response further alleged that pursuant to K.S.A. 65-2809(g) Licensee's application for change of designation/type should be denied until such time as Licensee completed a re-entry evaluation at the Center for Personalized Education for Physicians ("CPEP") to determine Licensee's present ability to practice medicine and surgery with reasonable skill and safety.

8. The Board concludes that there is insufficient evidence that Licensee engaged in the active practice of medicine and surgery in the state of Kansas.

9. The Board further finds and concludes that Licensee has maintained an active license to practice medicine and surgery in the state of Missouri and Licensee has maintained his fund of knowledge through his employment as the Medical Director for Gentiva Health Services. As such, the Board concludes that Licensee has sufficiently shown that he has the present ability to practice medicine and surgery with reasonable skill and safety.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee is hereby granted a change of designation/type of license from an inactive license to an active license.

IT IS SO ORDERED THIS 17 DAY OF DECEMBER, 2014, IN THE CITY OF
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

KANSAS STATE BOARD OF HEALING ARTS

A handwritten signature in black ink, appearing to read "Kathleen Selzler Lippert", written over a horizontal line.

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, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, the undersigned, hereby certify that a true copy of the foregoing **Final Order Granting Change of License Designation/Type** was served this 18th day of December, 2014, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Christian Sinclair, MD
Confidential
Shawnee, KS 66216

Mark Stafford
Simpson, Logback, Lynch, Norris, P.A.
107 SW 6th Avenue, Suite 210
Topeka, Kansas 66603

And a copy was hand-delivered to:

Jessica Bryson, 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
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Cathy Brown, Executive Assistant