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AUG 22 2011

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of )
Everette T. Sitzman, Jr., M.D. )
)
Kansas License No. 04-22079 )
\_\_\_\_\_ )

KSBHA Docket No. 10-HA00020

FINAL ORDER GRANTING MOTION TO TERMINATE SUPERVISED PRACTICE

NOW, on this 12th day of August 2011, comes before the Kansas State Board of Healing Arts ("Board") the motion of Everette T. Sitzman, Jr., M.D. ("Licensee") for termination of supervised practice imposed under the terms of a Consent Order in Docket No. 10-HA00020. Licensee appears in person, and by and through his attorney, Charles R. Hay of Foulston Siefkin LLP. Janith A. Lewis, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, 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 following a conference hearing in the above-captioned matter. After reviewing the file, hearing the testimony and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions of law and order:

I. Findings of Fact

1. Everette T. Sitzman, Jr., M.D. ("Licensee"), is licensed to engage in the practice of medicine and surgery in the State of Kansas, License No. 04-22079, and has been so licensed since approximately December 4, 1987.

2. Licensee's last known mailing address provided to the Board is: confidential
Drive, Prairie Village, Kansas 66207.

3. On or about February 25, 2010, Licensee entered into a Consent Order with the Board. Under the terms of the Consent Order, Licensee voluntarily agreed to adhere to certain practice limitations. The Consent Order set forth a three-stage supervision process to be completed by Licensee before removal of the practice limitations.

4. The terms of the Consent Order allow Licensee to request termination of the practice limitation provisions after a period of one (1) year of Stage Three Supervised Practice.

5. The Consent Order further provides that Licensee's license status shall be changed to "active" upon a finding that Licensee has met all technical requirements.

6. On or about July 7, 2011, Licensee filed a Motion to Terminate Supervised Practice with the Board, pursuant to the terms of the Consent Order.

7. On July 8, 2011, the Respondent Board filed a Response to Licensee's Motion.

8. Licensee has demonstrated to the Board that he is currently in compliance with the requirements of the Consent Agreement, as follows:

a. Licensee has successfully completed all three stages of practice monitoring under the supervision and oversight of the appointed supervising physician.

b. Licensee's practice monitor has submitted the required monitoring reports and has recommended ending Licensee's supervision requirement and restoring Licensee's license to active status.

## **II. Applicable Law and Policy**

9. K.S.A. 77-501 et seq. – Kansas Administrative Procedure Act.

10. K.S.A. 65-2801 et seq. – Kansas Healing Arts Act.

11. The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

### **III. Conclusions**


Licensee has satisfactorily met all requirements of the Consent Order and has no further obligation for compliance.

### **IV. Order**

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS,** that Licensee has satisfied all terms and conditions of the Consent Order and that Licensee's motion to terminate supervised practice imposed by the Consent Order is hereby granted.

**IT IS FURTHER ORDERED** that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

**IT IS SO ORDERED THIS** 19<sup>th</sup> **DAY OF** Aug, 2011, **IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts

Prepared and Approved by:



Randy E. Stookey, #21885  
Assistant General Counsel  
Kansas State Board of Healing Arts

Final Order Granting Motion To  
Terminate Supervised Practice  
Everette T. Sitzman, Jr., M.D.  
KSBHA Docket No. 10-HA00020



## 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 and correct copy of the above and foregoing Final Order was served this 22<sup>nd</sup> day of August, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Everette T. Sitzman, Jr., M.D.  
confidential  
Prairie Village, KS 66207

Charles R. Hay  
Foulston Siefkin, LLP  
534 S Kansas Avenue, Ste. 1400  
Topeka, KS 66603-3436

And a copy was hand-delivered to the following:

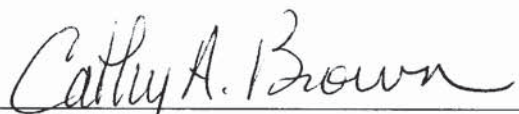
Janith A. Lewis, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
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Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
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Melissa Massey, Compliance Coordinator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

The original was filed with the office of:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant