

FILED *CRG*

JUN 27 2008

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

KS State Board of Healing Arts

In the Matter of)
Thomas Smith, M.D.)
)
Kansas License No. 04-19427)
_____)

Docket No. 08-HA00055

FINAL ORDER

NOW, on this 21st day of June, 2008, this matter comes before the Kansas State Board of Healing Arts (“Board”) at the request of Thomas Smith, M.D. for a hearing on the Summary Order of Cancellation of License filed on November 14, 2007. Licensee does not appear. Dan Riley, Associate Counsel, appears for the Board.

After reviewing the file, hearing the statements of Mr. Riley, and being duly advised in the premises, the Board finds, concludes and orders as follows:

1. Licensee filed a letter response with the Board on June 16, 2008. Licensee indicated he would not be able to appear at the scheduled conference hearing, but he provided a statement with regard to the issues set forth in the Summary Order.

2. Pursuant to K.S.A. 65-2809, as amended, a license not renewed within 30 days following the date of expiration shall be deemed cancelled by operation of law.

3. License number 04-019427 issued to Thomas B. Smith (“Licensee”) to practice as a Medical Doctor in the state of Kansas expired on June 30, 2007 pursuant to K.A.R. 100-15-1.

4. K.A.R. 100-15-5 requires each Licensee desiring to renew a Medical Doctor license to submit to the Board documented evidence of completion of a minimum of 50 contact hours of continuing education since January 1, 2006, or 100 contact hours of continuing education since January 1, 2005, or 150 contact hours of continuing education since January 1,

2004, before or with the request for renewal.

5. K.S.A. 40-3402 requires each Licensee desiring to renew a Medical Doctor license to maintain a policy of professional liability insurance and K.S.A. 40-3404 requires payment of the premium surcharges.

6. On or about June 1, 2007, Licensee submitted an application for renewal of his license.

7. As part of the renewal process, Licensee certified that the rules regarding proof of continuing education had been read, that the required number of continuing education hours had been achieved, and that documentation of those hours would be maintained for a three year period and produced to the Board upon request.

8. As part of the renewal process, Licensee certified that the rules regarding professional liability insurance had been read, that compliance had been achieved, and that documentation of the professional liability insurance policy would be maintained for a three-year period and produced to the Board upon request.

9. As part of the renewal process, Licensee further certified that the notice regarding the Board's procedures for auditing continuing education compliance and professional liability insurance compliance had been read.

10. Licensee was randomly selected to provide verification of compliance with the continuing education and professional liability insurance requirements and on September 4, 2007, was mailed a letter requesting that Licensee provide, no later than October 5, 2007, the records relied upon when Licensee certified achievement of the required continuing education hours and proof of professional liability insurance.

11. On October 18, 2007, the required documents had not been received and a second

notice was mailed requesting that the Licensee provide, no later than October 31, 2007, the records relied upon when Licensee certified that he met the requirements for renewal.

12. Licensee has failed to provide documented evidence of completion of a minimum of 50 contact hours of continuing education from and since January 1, 2006, or 100 contact hours of continuing education since January 1, 2005, or 150 contact hours of continuing education since January 1, 2004.

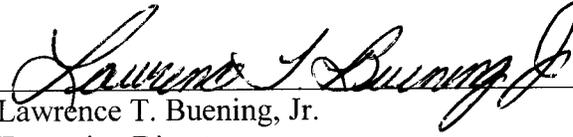
13. Licensee has failed to provide documented evidence that he maintained a policy of professional liability insurance and that he paid the premium surcharges in accordance with K.S.A. 40-3404 at the time that he submitted his renewal.

14. By failing to provide documented evidence, Licensee has not met the requirements for licensure renewal for the period of July 1, 2007 through June 30, 2008; therefore, the license issued to Licensee should be cancelled.

IT IS, THEREFORE, ORDERED that the license of Licensee issued by the Board to practice medicine and surgery in the state of Kansas is cancelled due to failure to meet the requirements for renewal as provided by K.S.A. 65-2809.

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a Petition in District Court as authorized under the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any such petition must be served upon the Board addressed to the Executive Director, 235 S. Topeka Boulevard, Topeka, Kansas 66603. A request for reconsideration is not a prerequisite for judicial review.

KANSAS STATE BOARD OF HEALING ARTS

A handwritten signature in black ink, written in a cursive style, reading "Lawrence T. Buening, Jr." The signature is positioned above a horizontal line.

Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

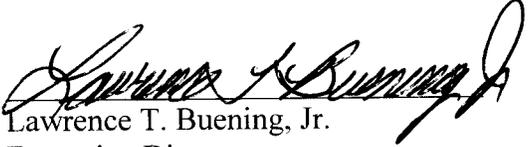
I, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 30th day of June, 2008 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Thomas Smith M.D.
414 East Ave
Holdrege, NE 68949-2215

and a copy hand delivered to the office of:

Dan Riley, Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original filed with the office of Executive Director.


Lawrence T. Buening, Jr.
Executive Director