

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

In the Matter of the )  
Reinstatement of License of )  
KENNETH R. SMITH, M.D. )  
\_\_\_\_\_ )

NOV 19 1992

**KANSAS STATE BOARD OF  
HEALING ARTS**

**FINAL ORDER FOLLOWING CONFERENCE HEARING**

NOW on this 31st day of October, 1992, comes on for Conference Hearing before the Kansas State Board of Healing Arts (hereafter "Board") sitting as a whole the request for relief from the Order of Cancellation of License filed by Kenneth R. Smith, M.D. (hereafter "Applicant"). Applicant does not appear.

After reviewing the request and being otherwise duly advised in the premises, the Board makes the following findings of fact and order:

1. Applicant was originally licensed to practice medicine and surgery in the state of Kansas on December 5, 1986.

2. Pursuant to K.S.A. 1991 Supp. 65-2809 licenses to practice medicine and surgery expire on June 30 of each year and may be renewed annually upon the request of the Licensee by Licensee providing a request for renewal on a form provided by the Board.

3. K.S.A. 1991 Supp. 65-2809(d) requires that at least thirty (30) days before expiration of a license the Board notify the Licensee of the expiration of license by mail to the Licensee's last address as noted upon the Board records and that upon failing to renew by the expiration date the Board will suspend action for

thirty (30) days following the date of expiration and provide a second notice to Licensee that Licensee's license has expired.

4. On May 7, 1992 and in accordance with the statutory provisions, Applicant was provided with the form necessary to renew his license addressed to the last address noted on the Board records.

5. On July 9, 1992, the Board provided Applicant with a second notice that his license had expired and that the Board would suspend action on the license for thirty (30) days following the expiration of said license.

6. In accordance with K.S.A. 1991 Supp. 65-2809(d) and K.S.A. 1991 Supp. 77-520 on the 7th day of August, 1992, the Board issued a Proposed Order of Cancellation of License and a copy of said Order was mailed to Licensee at the last place of address noted upon the Board records.

7. The Proposed Order of Cancellation provided it would become effective upon expiration of seven days following service if a written motion requesting it be vacated was not received during said period.

8. Licensee did not request that the Proposed Order of Cancellation be vacated within seven days of its service and, therefore, Licensee's license was cancelled August 17, 1992.

9. K.S.A. 1991 Supp. 65-2809 provides that a Licensee's license which has been cancelled for failure to renew may be reinstated only upon recommendation by the Board.

10. By letter dated October 8, 1992, Applicant submitted an application for renewal together with a check made payable to the Board dated October 12, 1992 in the sum of \$200.

11. Applicant's request to renew license and set aside the Order of Cancellation should be denied and Applicant should be required to comply with the requirements necessary in order to reinstate license.

IT IS THEREFORE BY THE BOARD ORDERED that Applicant's request to set aside the Order of Cancellation of License and application to renew license should be denied.

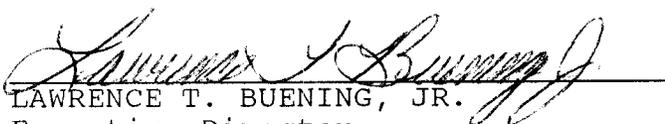
IT IS FURTHER ORDERED that Applicant should be required to comply with the requirements necessary in order to reinstate his license in order to again have a valid license to practice medicine and surgery in the state of Kansas.

IT IS FURTHER ORDERED that this is a Final Order and is effective upon service upon the parties. Any party may, within fifteen (15) days after service, file a Petition for Reconsideration. The filing of a Petition for Reconsideration is not a prerequisite for seeking administrative or judicial review.

IT IS SO ORDERED.

DATED this 19th day of November, 1992.

KANSAS STATE BOARD OF HEALING ARTS

  
LAWRENCE T. BUENING, JR.  
Executive Director

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., hereby certify that on the 19th day of November, 1992, a true and correct copy of the above and foregoing Final Order Following Conference Proceeding was deposited in the United States mail, postage prepaid, to the following:

Kenneth R. Smith, M.D.  
P.O. Box 67  
Bolivar, MO 65613

and the original was hand-delivered to:

Charlene K. Abbott  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
LAWRENCE T. BUENING, JR.  
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