

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

JAN 3 2002

KANSAS STATE BOARD OF  
HEALING ARTS

In the Matter of )  
)  
MILDRED JULIUS STEVENS, M.D. )  
Application for Reinstatement )  
\_\_\_\_\_ )

Docket No. 02-HA-24

**FINAL ORDER**

NOW ON THIS Eighth Day of December, 2001, comes before the Board the application of, Mildred Julius Stevens, M.D. for reinstatement of her license to practice medicine and surgery. Applicant appears in person and without counsel. Kelli J. Benintendi appears for the Board.

After hearing the arguments and having the agency record before it, the Board finds, concludes and orders as follows:

1. Applicant was originally licensed by the Board to practice medicine and surgery on July 1, 1947. That license was revoked by a Final Order issued December 14, 1994.
2. The revocation of Applicant's license was based upon her practice below the standard of care resulting in the suspension of her privileges at Anderson County Hospital, her three-year exclusion from Medicare and Medicaid resulting from a finding by the Department of Health and Human Services that Applicant was a serious risk to beneficiaries and recipients, her settlement of a malpractice case resulting from Applicant's gross negligence, and her violation of a prior Board order.
3. The Board concludes that Applicant has the burden to prove by clear and

convincing evidence that she is sufficiently rehabilitated to justify reinstatement. The Board further concludes that Applicant has a greater burden of proving fitness for licensure than if she were applying for an initial license because there is a prior finding of unfitness that she must overcome.

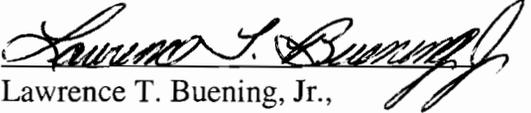
4. In determining rehabilitation, the Board may consider many factors, including Applicant's present medical competence. In light of the findings of the order of revocation that demonstrate a lack of professional competence, the Board does not find clear and convincing evidence that Applicant has since become professionally competent.

**IT IS, THEREFORE, ORDERED THAT** the application for reinstatement is denied.

**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 the District Court as authorized by K.S.A. 77-610, et seq. Reconsideration of the 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 the Board's executive director at 235 S. Topeka Blvd., Topeka, KS 66603.

**DATED THIS** 23<sup>rd</sup> **Day of January, 2001.**

Kansas State Board of Healing Arts

  
Lawrence T. Buening, Jr.,  
Executive Director

### Certificate of Service

I certify that a true copy of the foregoing order was served this 3<sup>rd</sup> day of January, 2002 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Mildred Julius Stevens, M.D.  
202 West 4th Avenue  
Garnett, KS 66032

and a copy was hand-delivered to the office of:

Kelli J. Benintendi  
Associate Counsel  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

A handwritten signature in cursive script, appearing to read "Lawrence T. Brumby", written over a horizontal line.