

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

FEB 20 1996

In the Matter of)
)
FREDRIC ARTHUR SWARTZ, M.D.)
Application for Licensure by Endorsement)
_____)

**KANSAS STATE BOARD OF
HEALING ARTS**

Case No. 96-00131

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 17th day of February, 1996, comes on for consideration before the Kansas State Board of Healing Arts ("Board") sitting as a whole as Presiding Officer in a conference proceeding pursuant to the provisions of K.S.A. 77-533 through 77-535, the application of Fredric Arthur Swartz, M.D. ("Applicant") for licensure by endorsement to practice medicine and surgery in the State of Kansas. Lori Miskel McNett, Associate Counsel, appears for and on behalf of the Board. Applicant appears pro se, and appears by telephone.

After reviewing the application and being otherwise duly advised in the premises, the Board finds as follows:

1. On or about October 26, 1995, Applicant submitted his application for licensure by endorsement to practice medicine and surgery in the State of Kansas. Said application was deemed complete on or about January 25, 1996.
2. Based upon information provided by Applicant in his application for licensure, the Board conducted an investigation into Applicant's affirmative answer to question number 5 of

FINAL ORDER FOLLOWING CONFERENCE HEARING

Fredric Arthur Swartz, M.D.

section VI of the application, namely that Applicant had been denied vascular surgery privileges at a hospital in Florida. Such investigation revealed that the denial of privileges was a result of an administrative change at the hospital requiring a requisite number of surgeries in order to maintain the surgical privilege. Applicant did not perform the requisite number of surgeries, and thus was denied renewal of his privileges.

3. On January 4, 1996, a Stipulation and Agreement and Enforcement Order ("Stipulation") was entered into between the parties in which Applicant (1) was granted a temporary license effective until February 17, 1996, and (2) agreed not to perform vascular surgery until such time as he can demonstrate competency to do so.

5. On February 17, 1996, a Conference Hearing was held in the above-captioned matter to enable Applicant to submit additional information to the Board prior to the Board taking final action on Applicant's application for licensure by endorsement.

CONCLUSIONS OF LAW

Upon review of the application and the investigation results, the Board finds insufficient reason to deny Applicant's application for licensure by endorsement to practice medicine and surgery under K.S.A. 65-2836.

IT IS THEREFORE BY THE BOARD ORDERED as follows:

- a) That the findings herein above made be and the same are made the Order of the Board.
- b) That the Stipulation entered into between the parties on January 4, 1996 is hereby terminated.

FINAL ORDER FOLLOWING CONFERENCE HEARING

Fredric Arthur Swartz, M.D.

c) That the effective date of Applicant's temporary license is extended until the next regularly scheduled Board meeting, at which time Applicant's application for endorsement in the State of Kansas should be placed on the Board agenda for final approval and issuance of a permanent license.

d) 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, stating the specific grounds upon which relief is requested. The filing of a Petition for Reconsideration is not a prerequisite for seeking administrative or judicial review.

IT IS SO ORDERED.

DATED this 20th day of February, 1996.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR., #9125
Executive Director

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 21st day of February, 1996, a true and correct copy of the above and foregoing **FINAL ORDER FOLLOWING CONFERENCE HEARING** was deposited in the United States mail, first class postage prepaid to the following:

Fredric Arthur Swartz, M.D.
17648 Foxwood Way
Boca Raton, FL 33487

and copies were hand-delivered to:

Lori Miskel McNett
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

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

and the original was hand-delivered to:

Office of the Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603


LAWRENCE T. BUENING, JR.