

FILED

MAR 07 1991

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter)
)
KERMIT E. WHITE, M.D.)
Kansas License No. 20519)
_____)

Case No. 91-00303

FINAL ORDER

NOW on this 7th day of March, 1991, comes on for hearing before the Kansas State Board of Healing Arts (hereafter "Board"), a Request of Kermit E. White, M.D. (hereafter "Licensee") to review the Initial Order of Presiding Officer served and made on January 29, 1991 by Richard G. Gannon, Presiding Officer in the above-entitled case.

Administrative notice is taken that Licensee filed a Request to Review Initial Order of Presiding Officer in accordance with the Kansas Administrative Procedure Act. Thereafter, the Board issued a Notice of Intention to Exercise Review of Initial Order which was filed January 29, 1991. Further, notice was served and filed, setting the matter for hearing at 10:00 a.m. on February 9, 1991.

Members present were: Franklin G. Bichlmeier, M.D., President; John P. White, D.O.; Donald B. Bletz, M.D.; Jimmy V. Buller, D.O.; Edward J. Fitzgerald, M.D.; Paul T. Greene, Jr., D.C.; Harold Guldner; Mark Hatesohl, D.C.; Cameron D. Knackstedt, D.O.; Graciela Marion; John Petersen; Joseph Philipp, M.D.; Irwin Waxman, D.P.M.; Kenneth D. Wedel, M.D.; and Ron Zoeller, D.C. The Board appeared by and through Steve A. Schwarm, Litigation Counsel.

Lawrence T. Buening, Jr., served as counsel to the Board. Licensee appeared in person and pro se. There were no other appearances.

Following the submission of Licensee's arguments before the Board on the Request for Review of Initial Order and arguments and brief of Litigation Counsel for the Board, the Board went into a closed session for deliberation of quasi-judicial matters as authorized by K.S.A. 77-4318.

After considering the record, the brief, arguments and statements of Litigation Counsel, Licensee's argument before the Board of Healing Arts and being otherwise duly advised in the premises, the Board, upon motion duly made, seconded and carried, made the following findings of fact and conclusions of law:

FINDINGS OF FACT

Findings of Fact in paragraphs numbered one through eight inclusive of the Initial Order of Presiding Officer are adopted in their entirety and are hereby incorporated by reference as though set forth fully herein and hereby adopted by the Board as its Findings of Fact.

CONCLUSIONS OF LAW

Paragraphs numbered one through five inclusive of the Conclusions of Law set forth by the Initial Order of Presiding Officer are hereby adopted by the Board, incorporated herein by reference and made the Conclusions of Law of the Board.

ORDER AND ACTION

NOW, THEREFORE, based upon the aforementioned Findings of Fact and Conclusions of Law, the Board enters the following Order:

IT IS THEREFORE ORDERED that License No. 4-20519 is hereby cancelled as provided by K.S.A. 1990 Supp. 65-2809.

IT IS SO ORDERED.

NOTICE REGARDING RELIEF FROM THIS ORDER

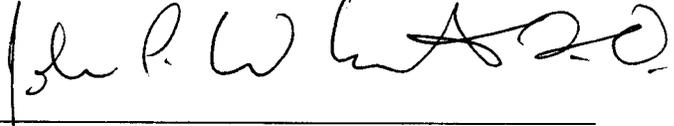
This Order is a Final Order. Any party may file a "Petition for Reconsideration" with the Board within 15 days of service of this Order. Such Petition shall be directed to the office of General Counsel with a copy to other parties referenced in the attached Certificate of Service. Such Petition is not a prerequisite for seeking judicial review.

Judicial review of this Order may be sought by filing a Petition For Judicial Review in the District Court in the State of Kansas, County of Shawnee, Third Judicial District, or in another district wherein venue is proper along with payment of the docket fee as required by K.S.A. 60-2201. Such Petition is timely if filed within 30 days of this Order, but such time is extended during the pendency of timely attempts to exhaust administrative remedies.

This Order is effective upon service, but may be stayed in accordance with K.S.A. 77-528 and K.S.A. 77-616.

DATED This 6 day of March, 1991.

KANSAS STATE BOARD OF HEALING ARTS



JOHN P. WHITE, D.O.
Vice-President

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., hereby certify that on the 6th day of March, 1991, a true and correct copy of the above and foregoing FINAL ORDER was deposited in the United States mail, postage prepaid, to the following:

Kermit E. White, M.D.
7333 E. 22nd N. #8
Wichita, Kansas 67206

and a copy hand-delivered to:

Steve A. Schwarm
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Michelle M. Torres
Disciplinary Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
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LAWRENCE T. BUENING, JR.