

FILED

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

AUG 11 1993

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
KERMIT E. WHITE, M.D.)
License # 04-20519)
_____)

ORDER ADOPTING SUMMARY ORDER AS FINAL ORDER

NOW on this 7th day of August 1993 comes the Kansas State Board of Healing Arts (hereinafter "Board") in conference hearing sitting as a whole as presiding officer to consider the Motion for Reconsideration of Summary Order in the matter of Kermit E. White, M.D (hereinafter "Licensee"). The Board is represented by and through Kevin K. LaChance, Associate Counsel. Licensee does not appear and is not represented by counsel.

Licensee requested termination of the Stipulation and Agreement and Enforcement Order filed April 15, 1992. After consideration by the Board at the June 1993 Board meeting, and information subsequently presented by Licensee, Mr. Lawrence T. Buening, Jr., Executive Director of the Board, issued a Summary Order Terminating Stipulation and Agreement and Enforcement Order on June 22, 1993. Due to concerns regarding the propriety of a summary order by the executive director on an issue upon which the Board had acted, counsel for the Board filed the instant Motion for Reconsideration of Summary Order in order for the Board to take a formal action upon Licensee's request.

After consideration of the request and the file of previous actions, the Board adopts the June 22, 1993, Summary Order as the formal order of the Board. Further, the Board finds that its Executive Director acted within

his delegated powers in issuing said Summary Order, and was not acting in an ultra vires manner.

IT IS SO ORDERED.

Dated this 11th day of August, 1993.

THE KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR.
Executive Director

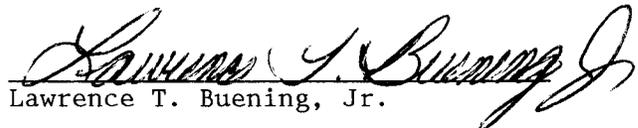
CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 11th day of August, 1993, a true and correct copy of the above and foregoing Order Adopting Summary Order as Final Order was deposited in the U.S. mail, first class, postage prepaid, to:

Kermit E. White, M.D.
13535 LaSalle
Detroit, Michigan 48238

and a copy hand-delivered to:

Kevin K. LaChance
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068


Lawrence T. Buening, Jr.

FILED

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

JUN 22 1993

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
)
KERMIT E. WHITE, M.D.)
)
_____)

SUMMARY ORDER TERMINATING STIPULATION AND AGREEMENT
and
ENFORCEMENT ORDER

NOW on this 22nd day of June, 1993, comes on for Summary Proceedings consideration of the request of Kermit E. White, M.D. (hereinafter referred to as "Licensee") for termination of Stipulation and Agreement and Enforcement Order.

After reviewing the file and being otherwise duly advised in the premises, the Kansas State Board of Healing Arts (hereinafter referred to as "Board") by and through its Executive Director, Lawrence T. Buening, Jr., makes the following findings of fact and conclusions of law and order:

1. On April 15, 1992, a Stipulation and Agreement and Enforcement Order was filed in the Board office which had been executed by the Board and Licensee in which certain restrictions, limitations and requirements were placed upon the license of Licensee to engage in the practice of medicine and surgery in the State of Kansas.

2. That as set forth in the Stipulation and Agreement and Enforcement Order, limitations, restrictions and conditions were placed on Licensee's license due to a failure on his part to have maintained and been in compliance with the continuing medical education requirements of the Board, for continuing to prescribe controlled substances after the expiration of his Federal Drug Enforcement Administration license and for practicing medicine and surgery in the State of Kansas without benefit of professional liability insurance as mandated by Kansas Law.

3. That on November 12, 1992 an Order Modifying Stipulation and Agreement and Enforcement Order and authorizing reinstatement of license was entered into with the Board in which said Order it was acknowledged that the fine imposed by the original Stipulation and Agreement and Enforcement Order had been paid in full and that Licensee should be required to comply with quarterly reporting system regarding existence of professional liability insurance only at such time as he would commence the active practice of medicine and surgery in this state.

4. That the Board has received letters of recommendation regarding Licensee and a review of the file has revealed that Licensee has been in total compliance with the provisions of the Stipulation and Agreement and Enforcement Order as modified.

5. That the Stipulation and Agreement and Enforcement Order filed April 15, 1992 and modified by the Order filed November

12, 1992 should be terminated and the Enforcement Order issued by the Board should be dissolved.

6. With the termination of the Stipulation and Agreement and the dissolution of the Enforcement Order, Licensee should be discharged from any of the restrictions thereby imposed on his license to practice medicine and surgery in the State of Kansas.

IT IS THEREFORE BY THE BOARD ORDERED that this Stipulation and Agreement filed with the Board on April 15, 1992 between the Board and Licensee be terminated in its entirety and shall hereafter have no further force or effect; that the Enforcement Order based upon the Stipulation between the Board and Licensee be dissolved; and that the license of Licensee to practice medicine and surgery in the State of Kansas shall hereafter be without any restrictions or limitations.

IT IS FURTHER ORDERED that either party is entitled to an administrative review of this Order if a written request is received in the Board office within fifteen (15) days of the service of this Order upon the parties.

IT IS SO ORDERED.

DATED this 22nd day of June, 1993.

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 22nd day of June, 1993, a true and correct copy of the above and forgoing **SUMMARY ORDER TERMINATING STIPULATION AND AGREEMENT and ENFORCEMENT ORDER** was deposited in the United States first class mail, postage prepaid, to Kermit E. White, M.D., 13535 La Salle, Detroit, Michigan 48238.


LAWRENCE T. BUENING, JR.

LTB21/white.ter

SUMMARY ORDER TERMINATING STIPULATION AND AGREEMENT
AND ENFORCEMENT ORDER
Kermit E. White, M.D.