

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

SEP 16 2008

KS State Board of Healing Arts

IN THE MATTER OF)
GERMAN ZHITLOVSKY, MD)
)
APPLICATION FOR REINSTATEMENT)
OF LICENSE TO PRACTICE MEDICINE)
AND SURGERY)
_____)

DOCKET NO.: 07-HA000092

FINAL ORDER

NOW this August 16, 2008 the above captioned matter comes before the Kansas State Board of Healing Arts (Board) on the application of German Zhitlovsky, MD, for reinstatement of License to Practice Medicine and Surgery. The applicant appears by and through retained counsel Robert D. Gaines. Kathleen Selzler Lippert, Litigation Counsel appears on behalf of staff.

WHEREUPON, the Board hears argument on the petitioner's Motion to Continue Applicant's Application for License Reinstatement and Motion to Remove Applicants Application from the August 16, 2008 Docket. The Board, having considered the statements of counsel, **DENIES** the respondent's Motions.

WHEREUPON, the Board considers the Applicant's Application for License Reinstatement. The Board finds as follows:

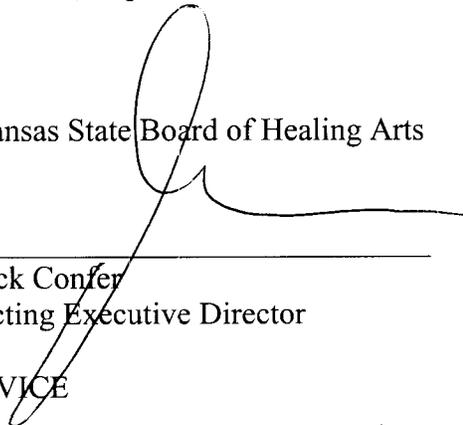
1. The SPEX examination requires a score of 75 or greater as a passing grade.
2. The Applicant took the SPEX examination and received a score of 70.
3. The Applicant has failed the SPEX examination.

IT IS, THEREFORE, ORDERED the Application of German Zhitlovsky is hereby **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. 77-601, et seq. Reconsideration of a 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 Jack Confer, the Board's Acting Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

DATED this 10th day of September, 2008.

Kansas State Board of Healing Arts



Jack Confer
Acting Executive Director

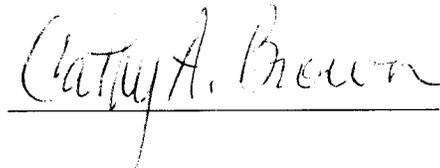
CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Final Order was served this 10th day of September, 2008, by depositing the same in the United States Mail, first class postage prepaid, and addressed to:

Robert D. Gaines
4550 Belleview
Kansas City, MO 64111

And a copy was hand-delivered to the office of

Kathleen Selzler Lippert
Kansas Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603



Cathy A. Brown