EFFECTIVE AS A FINAL ORDER

DATE: 12/7/15

FILED
NOV 24 2015
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of GAIL GIROUARD, M.D.	)	
	)	**Docket No. 15-HA00070**
Kansas License No. 04-31025	)	

PROPOSED DEFAULT ORDER REVOKING LICENSURE

NOW on this 26th day of October, 2015, comes before the Kansas State Board of Healing Arts ("Board"), the Amended Petition for Discipline against the license of Gail Girouard, M.D. to practice medicine and surgery in the State of Kansas ("Licensee"). Petitioner appears by and through Reese Hays, Litigation Counsel and Anne Barker-Hall, Associate Litigation Counsel. Licensee fails to appear.

Pursuant to the authority granted to the Board by K.S.A. 65-2801, *et seq*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq*., the Presiding Officer hereby enters this Proposed Default Order Revoking Licensure in the above-captioned matter. Having the agency record before it, and considering the evidence and the statements and arguments of Petitioner, the Board makes the following findings, conclusions and order:

1. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-31025 on or about December 11, 2004. Such license was cancelled on or about August 5, 2014, for failure to renew.

2. A pre-hearing conference on the Board's Amended Petition for discipline was noticed for October 26, 2015, such pre-hearing conference was set as a telephone conference.

or about October 13, 2015, a Notice of Prehearing Conference ("Notice") was mailed to Licensee at the address she provided the Board at the August 14, 2015 Board meeting. The Notice contained the date and time of the telephone pre-hearing conference as well as the telephone number and conference code number. Pursuant to K.S.A. 2015 Supp. 77-531, this Notice was served by first-class postage prepared on or about October 13, 2015. The Notice was not returned.

3. Pursuant to K.S.A. 77-518, the Notice informed Licensee that any party who fails to attend or participate in the Pre-Hearing Conference or other state of a proceeding may be held in default.

4. Licensee failed to appear at the Pre-hearing Conference held on October 26, 2015.

5. On or about October 2, 2015, Petitioner filed a Statement of Costs pursuant to K.S.A. 65-2846(b). Petitioner requested that Licensee pay costs in the amount of $3,850.00.

6. Pursuant to K.S.A. 77-518 and K.S.A. 2015 Supp. 77-520, Licensee is in default for her failure to appear at the Pre-hearing Conference on October 26, 2015.

7. Petitioner moves the Presiding Officer to adopt the Findings of Fact and Conclusions of Law as set forth in the Amended Petition. The Presiding Officer concludes that the facts and allegations set forth in the Amended Petition are undisputed and incorporated herein by reference.

8. On or about November 16, 2015, the Board received a letter from Licensee. As Licensee failed to appear for the Prehearing Conference and was found to be in default pursuant to K.S.A. 2015 Supp. 77-520, the letter will not be admitted as evidence in this matter.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee is hereby held in DEFAULT pursuant to K.S.A. 2015 Supp. 77-520.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee shall pay the costs in this manner of $3,850.00. The costs are due and payable in full within thirty (30) days of this order becoming a Final Order. All payments shall be made to the following: Compliance Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level Suite A, Topeka, Kansas 66612.

IT IS FURTHER ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's license to practice medicine and surgery in the State of Kansas is hereby **REVOKED.**

IT IS SO ORDERED THIS ____ DAY OF NOVEMBER, 2015, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Garold O. Minns M.D.
Garold O. Minns, M.D., Presiding Officer
Kansas State Board of Healing Arts
By SLB

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Proposed Default Order. This order will become effective as a Final Order of the Board ten calendar days (7 days plus 3 days for mailing) following service of this order, as indicated in the attached Certificate of Service, unless within that ten (10) day period Licensee files a written request to vacate this order and states the grounds relied upon. Any such request shall be sent to the attention of Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612, and must be received by the close of business on the tenth (10th) day.

FINAL ORDER NOTICE OF RIGHTS

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 Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER REVOKING LICENSURE** was served this 7th day of December, 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Gail Girouard, M.D.
Confidential

Sayre, OK 73662

And a copy was hand-delivered to:

Reese Hays, Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Kelli Stevens, General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.

Cathy A. Brown

Cathy Brown, Executive Assistant