

**EFFECTIVE AS A
FINAL ORDER**

DATE: 7/1/14

FILED
JUN 19 2014
KS State Board of Healing Arts

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

In the Matter of)
MICHAEL SCHUSTER, MD)
)
)
Kansas License No. 04-30505)
_____)

Docket No. 14-HA00141

PROPOSED DEFAULT ORDER REVOKING LICENSURE

NOW on this 13th day of June, 2014, comes on for hearing before the Kansas State Board of Healing Arts ("Board"), the Petition for discipline filed against the medical license of Michael Schuster, M.D. ("Licensee") by the Board. Petitioner appears by and through Seth Brackman, 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 Board 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. 04-30505 on or about January 31, 2004. Licensee's current license designation is suspended, and such license was indefinitely suspended by Final Order on or about July 5, 2013.

2. A conference hearing on the Board's petition for discipline was noticed for June 13, 2014 at the offices of the Kansas State Board of Healing Arts.

3. Pursuant to K.S.A. 2013 Supp. 77-531, Licensee was served with a Notice of Conference Hearing to Licensee's mailing address via United States Mail, first-class postage prepared on or about May 21, 2014. The Notice of Conference Hearing was also sent to Barry A. Clark, Licensee's attorney in his criminal matter.

4. The Notice of Conference Hearing provided Licensee notice that any party who fails to attend or participate in the Conference Hearing or other state of a proceeding may be held in default.

5. Licensee failed to appear at the Conference Hearing held on June 13, 2014.

6. Pursuant to K.S.A. 77-516 and K.S.A. 2013 Supp. 77-520, Licensee is in default for his failure to appear at the conference hearing on June 13, 2014.

7. On or about June 10, 2014, the Board received a letter from Licensee dated June 9, 2014. In his letter, Licensee stated that he no longer had an interest in practicing medicine in the state of Kansas. This letter was admitted into evidence at Licensee Exhibit A.

8. Upon review of the agency record and after being fully advised in the premises, the Board finds and concludes that the facts and allegations set forth in the Petition are undisputed and incorporated herein by reference.

9. The Board finds that Licensee failed to meet his burden of clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust.

10. K.S.A. 65-2836(c) requires that a Licensee's license shall be revoked following Licensee's conviction of a felony, whether or not related to the practice of the healing arts, unless a 2/3 majority of the Board members present and voting determine by clear and convincing evidence that the Licensee will not pose a threat to the public and that the Licensee has been

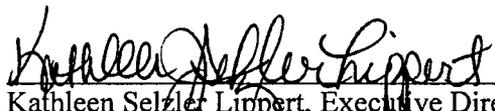
sufficiently rehabilitated to warrant the public's trust.

11. The Board concludes that Licensee's two felony convictions violate K.S.A. 65-2836(c).

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

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 18 DAY OF JUNE, 2014, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzer Lippert, Executive Director
Kansas State Board of Healing Arts

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 July, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Michael Paul Schuster, MD
Confidential
Manhattan, KS 66502

and a courtesy copy was provided to the attorney for Dr. Schuster in the Criminal Proceeding

Barry A. Clark
Clark & Platt, Chtd.
417 Poyntz Avenue
Manhattan, KS 66502

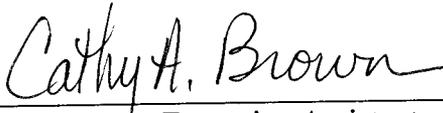
And a copy was hand-delivered to:

Seth Brackman, Associate 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 Brown, Executive Assistant