EFFECTIVE AS A FINAL ORDER

DATE: 5/6/15

FILED

APR 17 2015

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of	)	
	)	**KSBHA Docket No. 15-HA** 00097
Everette T. Sitzman, Jr., M.D.	)	
Kansas License No. 04-22079	)	
	)	

SUMMARY ORDER

NOW ON THIS 17 day of April, 2015, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Everette T. Sitzman, Jr., M.D. ("Licensee") was originally issued license number 04-22079 to practice medicine and surgery in the state of Kansas on December 4, 1987. Licensee's current license designation is active, and such license was last renewed on or about May 27, 2014.
2. Licensee's last known mailing address to the Board is: Confidential Overland Park, Kansas 66212.
3. Confidential

4. Confidential

5. Confidential

6. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board's Disciplinary Panel No. 29. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

Applicable Law

7. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

> A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:
>
> (s) Sanctions or disciplinary action have been taken against the licensee by a peer review committee, health care facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section.

Conclusions of Law

8. The Board finds that Licensee violated K.S.A. 65-2836(s) when his clinical privileges and medical staff membership were revoked by Shawnee Mission Medical Center on May 21, 2014.
9. The Board finds that revocation of Licensee's clinical privileges and medical staff membership is conclusive evidence of Licensee's aforementioned violation of the Kansas Healing Arts Act.
10. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
11. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a) in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

IT IS, THEREFORE, ORDERED that Licensee is **PUBLICLY CENSURED** for violating K.S.A. 65-2836(s) of the Kansas Healing Arts Act.

IT IS FURTHER ORDERED that Licensee is **FINED** Five Hundred Dollars and Zero Cents ($ 500.00) for violating K.S.A. 65-2836(s) of the Kansas Healing Arts Act. Such fine shall be paid to the "Kansas State Board of Healing Arts" in full on or before September 1, 2015. All monetary payments, which shall be in the form of cashier's check or money order, relating to this Summary Order shall be mailed to the Board certified mail addressed to: Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level, Suite A, Topeka, Kansas 66612.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 17 day of April, 2015.

KANSAS STATE BOARD OF HEALING ARTS

Kathleen Selzler Lippert,
Executive Director

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** was served this 6th day of May, 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Everette T. Sitzman, Jr., MD
Confidential

Overland Park, KS 66212

And a copy was hand-delivered to:

Susan Gering, 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

Office of the 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