

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

In the Matter of)
LYNN WEBSTER, M.D.)
) **KSBHA Docket No. 15-HA00074**
Kansas License No. 04-37955)
 _____)

FINAL ORDER GRANTING LICENSE

NOW on this 10th day of April 2015, comes before the Kansas State Board of Healing Arts (“Board”) the application of Lynn Webster, M.D. (“Applicant”) for a license to practice medicine and surgery in the State of Kansas. Applicant appears in person and *pro se*. Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, 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 Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

1. On or about July 30, 2014, Applicant submitted an application to the Board for a license to practice medicine and surgery in the State of Kansas. Such application was complete and filed with the Board on March 9, 2015.
2. On March 10, 2015, Associate Litigation Counsel filed a Response to Application for License to Practice Medicine and Surgery (“Response”).

3. The Response alleged there were grounds to deny Applicant's application pursuant to K.S.A. 65-2836(w), based on Applicant having three (3) adverse settlements resulting from medical liability claims.

4. The Response also alleged that, based upon Applicant's engaging in extensive clinical research activities for several years, his active practice history may not be sufficient to ensure he has the requisite skill and safety to practice warranting licensure.

5. Lastly, the Response alleged there were grounds to deny Applicant's application if the Board determined that the combination of Applicant's three (3) adverse settlements, coupled with insufficient active practice constituted "a pattern of practice or other behavior which demonstrates a manifest incompetence to practice the healing arts" as defined in K.S.A. 65-2837(a)(3).

6. The Board finds that Applicant meets all technical requirements for licensure.

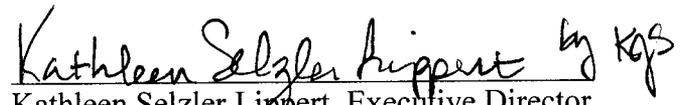
7. Applicant presented evidence in his application for licensure indicating that he has always been engaged in at least sixty percent (60%) clinical practice during his professional career. There was no evidence presented to the contrary. The Board finds no evidence that Applicant's amount of active practice is insufficient or indicative of incompetency.

8. The Board further concludes that, based on the particular facts of this matter, Applicant's malpractice settlement history does not warrant denial of his application or other Board action.

9. The Board concludes that Applicant is qualified for licensure and his application for licensure should be granted.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant is hereby GRANTED a license to practice medicine and surgery in the State of Kansas.

IT IS SO ORDERED THIS 22nd DAY OF APRIL, 2015, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


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

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 State 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 and correct copy of the above and foregoing **FINAL ORDER GRANTING LICENSE** was served on this 22nd day of April, 2015, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Lynn Webster, MD
3838 South 700 East Ste. 202
Salt Lake City, UT 84106

And a copy was hand-delivered to:

Jessica Bryson, 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

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



Cathy Brown, Executive Assistant