

FILED

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

FEB 23 1992

KANSAS STATE BOARD OF
HEALING ARTS

In The Matter)
)
 of)
)
 HAMPTON W. ANDERSON, D.O.)
 Temporary Permit: T-46)

Case No: 91-00410

FINAL ORDER ON RECONSIDERATION

NOW, on the 8th day of February, 1992, this matter comes on for further consideration before the Kansas State Board of Healing Arts (Board) relative to the REQUEST FOR RECONSIDERATION filed by Hampton W. Anderson, D.O. (Permittee) regarding the Final Order issued by the Board on April 13, 1991.

The Board appears by and through Steve A. Schwarm, Litigation Counsel. There are no other appearances.

Administrative notice is taken of all documents in the official agency file in the above-captioned case involving permittee. The facts and contents of the official agency file will be repeated here only as necessary to address the action by the Board. The official agency record reflects that a SUMMARY ORDER CANCELLING TEMPORARY PERMIT was issued pursuant to summary proceedings filed in the Board office and served on Permittee on December 13, 1990. In the SUMMARY ORDER CANCELLING TEMPORARY PERMIT, it was found and determined that the application for

postgraduate training program permit, dated August 14, 1989 and submitted by Permittee met the qualifications for a temporary permit under the provision of K.S.A. 1989 Supp. 65-2811(a)(3) and as a result, Permittee was issued Temporary Permit T-46 effective October 1, 1989. Said Temporary Permit T-46 issued to Permittee expired due to Permittee no longer being engaged in the specific post-graduate training program for which the permit was issued. In the SUMMARY ORDER CANCELLING TEMPORARY PERMIT it was further found that Permittee had not submitted evidence necessary to qualify for a temporary permit under K.S.A. 1989 Supp. 65-2811(a)(2) nor had Permittee met the requirements for a permanent license to engage in the practice of osteopathic medicine and surgery, pursuant to K.S.A. 65-2873. An INITIAL ORDER was filed with the Board's office on April 3, 1991, issued by the presiding officer with his specific finding of fact which stated that parts 1 and 2 of the examination given by the National Board of Osteopathic Medical Examiners or Part 1 of the FLEX examination are necessary to meet the examination in the basic and clinical sciences which has been approved by the Kansas State Board of Healing Arts and which constitutes a requirement for qualifications of a temporary permit, pursuant to K.S.A. 1989 Supp. 65-2811(a)(2). We agree.

However, during the continued deliberations relative to this matter based on reconsideration in compliance with K.S.A. 77-529 the Board recognizes, acknowledges and takes notice that

Permittee now has passed Part 1 of the FLEX examination placing him in compliance with K.S.A. 1989 Supp. 65-2811(a)(2) [Statute remaining the same. K.S.A. 1991 Supp. 65-2811(a)(2)]


Based on these changed circumstances during the pendency of reconsideration by the Board, the Board finds that all actions taken by the Board prior to February 8, 1992 were lawful and in compliance with the Kansas Healing Arts Act and the Kansas Administrative Procedure Act. However, based on the change in circumstances, specifically the passing of the examination to place Permittee in compliance with K.S.A. 65-2811(a)(2), the Board, based on a principle of equity, hereby issues a temporary permit to Permittee in compliance with K.S.A. 65-2811(a)(2) and Permittee is hereby entitled to all benefits associated with K.S.A. 65-2811(a)(2).

The Board further notes and orders that the original Temporary Permit, T-46, issued October 1, 1989, shall be deemed to have been a good and valid temporary permit from October 1, 1989 until the issuance of this Order.

This Order shall modify the FINAL ORDER issued by the Board in the above-captioned case.

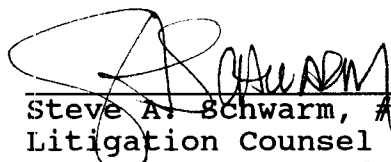
There are no additional matters to come before the Board. This FINAL ORDER (Modified) shall serve as FINAL ORDER of the Board and no other filing is necessary.

IT IS SO ORDERED on this 28 day of February, 1992.



John P. White, D.O.
Board President

Prepared and Approved by:



Steve A. Schwarm, #13232
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
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(913) 296-7413

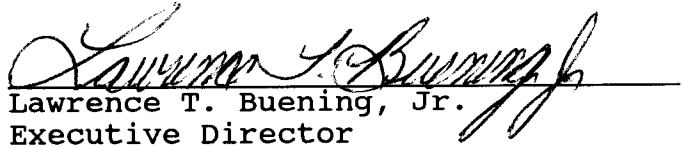
CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on this 28th day of February, 1992 a true and correct copy of the attached **FINAL ORDER ON RECONSIDERATION** was forwarded by United States certified mail, postage prepaid to:

Hampton W. Anderson, II, D.O.
2626 W. 9th Street, Apt. 224
Wichita, Kansas 67203

and hand-delivered to:

Steve A. Schwarm, #13232
Litigation Counsel
State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603


Lawrence T. Buening, Jr.
Executive Director