

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
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KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
)
JEAN-DANIEL POLICARD, M.D.)
Applicant for Licensure)
)
Institutional License 8-00249)

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 17th day of August, 1996, comes on for Conference Hearing before the Kansas State Board of Healing Arts (hereinafter "Board") sitting as a whole, the application of Jean-Daniel Policard, M.D. (hereinafter "Applicant") for a permanent license to practice medicine and surgery in the State of Kansas.

Applicant appeared in person pro se. Lawrence T. Buening, Jr., Executive Director of the Board, presented information to the Board.

After reviewing the file, hearing statements and being otherwise duly advised in the premises, the Board finds as follows:

1. Applicant is employed by the Department of Social and Rehabilitation Services and, under K.S.A. 65-2895, currently is the holder of institutional license

FINAL ORDER FOLLOWING CONFERENCE HEARING

8-00249, originally issued September 16, 1994 and which will expire September 16, 1996.

2. On January 12, 1996, Applicant and four other individuals submitted a letter to the Board which was received January 17, 1996 and in which letter a request was made for the Board to grant an unlimited permanent license to each of the signators to the letter.

3. At the Board Meeting conducted February 17, 1996, the January 12, 1996 letter was considered by the Board but no action was taken since Applicant had not, at that time, submitted an application for license.

4. On March 25, 1996, Applicant filed in the Board office an Application For Endorsement to practice medicine and surgery in the State of Kansas.

5. K.S.A. 65-2833 authorizes the Board to issue a license, without examination, if the applicant presents certain proof satisfactory to the Board and specifically under subsection (b) provides proof that Applicant's original license was based upon an examination at least equal in quality to the examination required in this State.

6. K.S.A. 65-2873(a)(1) provides that an applicant for license to practice any branch of the healing arts must present evidence to the Board of passage of such examination as the Board may require in the basic science subjects.

7. For individuals applying for a license to practice medicine and surgery the Board has required passage of National Board of Medical Examiners Part I and II, FLEX Component 1 or USMLE Steps 1 and 2 as meeting the requirements of an examination in the basic science subjects under K.S.A. 65-2873(a)(1).

8. As part of his application, Applicant did not provide proof of passage of any of the three aforementioned examinations, but did provide proof of passage of the Foreign Medical Graduate Examination in the Medical Sciences which was administered by the Educational Commission for Foreign Medical Graduates for purposes of its certificate and under the provisions of Public Law 94-484 to allow foreign national graduates to meet examination requirements in order to obtain a visa in order to enter the United States to perform services as members of the medical profession or to receive graduate medical education.

9. The Board has previously approved the Foreign Medical Graduate Examination in the Medical Sciences as being the approved examination in the basic sciences for the purposes of receiving an institutional license under K.S.A.

65-2895, but the Board has never accepted passage of the said examination as meeting the requirements of an examination in the basic sciences to obtain a full permanent license under K.S.A. 65-2873 or K.S.A. 65-2833.

10. Applicant's application for license was set for Conference Hearing at the Board Meeting, April 27, 1996.

11. At the Board Meeting conducted April 27, 1996, Applicant appeared pro se and requested the Board waive the requirement of passage of National Board of Medical Examiners Part I and II, FLEX Component I or USMLE Step 1 and 2 and accept passage of the Foreign Medical Graduate Examination in the Medical Sciences as meeting the examination required under K.S.A. 65-2873(a)(1).

12. At the meeting conducted April 27, 1996, the Board appointed a committee to review Applicant's application.

13. Prior to the date of the Conference Hearing, the Board committee met and recommended denial of Applicant's application due to Applicant's failure to have passed the basic science examination which had been approved by the Board as meeting the requirements of permanent license. However, the committee recommended that the Applicant could seek reconsideration outside of the time limitations imposed by K.S.A. 77-529 in the event he would lose his current

employment position due to closure or downsizing of the institution and obtain a position in a community mental health center which is not an institution within the Department of Corrections or Department of Social and Rehabilitation Services.

IT IS THEREFORE BY THE BOARD ORDERED as follows:

a) That the above findings of fact are undisputed and should be made the order of the Board.

b) That the Application For Endorsement of Applicant to practice medicine and surgery in the State of Kansas should be denied since he has not passed an examination at least equal in quality to the examination required by the Board in the basic science subjects for purposes of obtaining a permanent license.

c) Applicant may request reconsideration of the denial of license at any time should he lose his current employment due to closure or downsizing of the institution and obtain a position in a community mental health center which is not an institution within the Department of Corrections or Department of Social and Rehabilitation Services. Upon receipt of such request, the Board may approve or deny licensure, or may take additional evidence regarding approval of a basic science examination other than those previously approved.


d) This is a Final Order and is effective upon service upon the parties. Any party may, within fifteen (15) days after service, file a Petition for Reconsideration and, Applicant may also file a Petition for Reconsideration at any

time should the events occur as specified in paragraph c) above. The filing of a Petition for Reconsideration is not a prerequisite for seeking administrative or judicial review.

IT IS SO ORDERED.

DATED this 16th day of September, 1996.

KANSAS STATE BOARD OF HEALING ARTS



LAWRENCE T. BUENING, JR., #9125

Executive Director

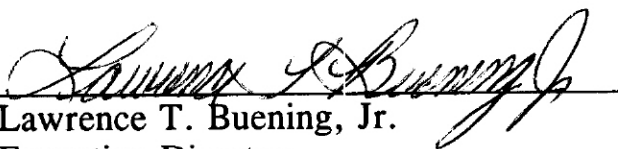
CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 16th day of September, 1996, a copy of the above and foregoing Final Order Following Conference Hearing was deposited in the United States mail, postage prepaid, first class to the following:

Jean-Daniel Policard, M.D.
101 Cottage Drive
Larned, Kansas 67550

and a copy was hand-delivered to:

Charlene K. Abbott
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603


Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-3680

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medicine and surgery in the State of Kansas, having last renewed his license on approximately July 1, 2008.

3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.*; K.S.A. 65-2869.

4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not beyond its jurisdiction as provided by law.

6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document.

Step 1 and 2 and accept passage of the Foreign Medical Graduate Examination in the Medical Sciences as meeting the examination required under K.S.A. 65-2873(a)(1).

2. The Board appointed a committee on April 27, 1996 to review Applicant's application. That committee met and recommended denial of Applicant's application due to Applicant's failure to have passed the basic science examination which had been approved by the Board as meeting the requirements of permanent licensure. However, the committee also recommended that the Applicant could seek reconsideration outside of the time limitations imposed by K.S.A. 77-529 in the event Applicant would lose his current employment position due to closure or downsizing of the institution and obtain a position in a community mental health center which is not an institution within the Department of Corrections or Department of Social and Rehabilitation Services.

3. On August 17, 1996, the Board ordered that the Application For Endorsement of Applicant to practice medicine and surgery in the State of Kansas be denied since Applicant had not passed an examination at least equal in quality to the examination required by the Board in the basic science subjects for purposes of obtaining a permanent license in the State of Kansas.

4. On September 16, 1996, a Final Order Following Conference Hearing was filed and served on Applicant.

5. On September 17, 1996, Applicant's request for reconsideration was filed in the Board office.

6. On October 19, 1996, the matter was set in conference proceedings before the Board on the request of Applicant for reconsideration of the Final Order. Lawrence T. Buening, Jr., Executive Director, appeared for the Board. Applicant appeared pro se. The Board advised Applicant that legislative initiative would more appropriately be the avenue for seeking change to the statutes.

CONCLUSIONS OF LAW

1. The request for reconsideration was filed by Applicant within 15 days following service of the Final Order.

2. On October 19, 1996, the Board reviewed the Final Order of September 16, 1996 and Applicant's letter requesting reconsideration which was filed on September 17, 1996. However, after reviewing the file, hearing the statements of the parties and being otherwise duly advised in the premises the Board finds no evidence or just cause to reconsider its Final Order of September 16, 1996.


IT IS THEREFORE BY THE BOARD ORDERED that Applicant's request for reconsideration be **DENIED**.

Any party may seek judicial review of the Final Order by filing a petition in the District Court within 30 days following service of the Final Order, except that such time is extended during timely attempts to exhaust administrative remedies.

IT IS SO ORDERED.

DATED this 30th day of October, 1996.

KANSAS STATE BOARD OF HEALING ARTS


LAWRENCE T. BUENING, JR., #9125
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 30th day of October, 1996, a copy of the above and foregoing **ORDER DENYING RECONSIDERATION** was deposited in the United States mail, first class postage prepaid the following:

Jean-Daniel Policard, M.D.
101 Cottage Drive
Larned, Kansas 67550

a copy was hand delivered to:

Charlene K. Abbott
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

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



LAWRENCE T. BUENING, JR.

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KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
MARK E. ROMEREIM, M.D.)
)
Kansas License No. 04-24083)
_____)

Docket No. 09-HA00118

FINAL ORDER

NOW ON THIS 27th day of February, 2009, the above-entitled matter comes on before John (Jack) Confer, Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

1. On February 3, 2009, the Acting Executive Director issued a Summary Order publicly censuring the license of Mark E. Romereim, M.D. (Licensee) to practice as a medical doctor in the state of Kansas. The Summary Order contained a provision for Public Censure for failure to maintain a policy of professional liability insurance as required by K.S.A. 40-3402.

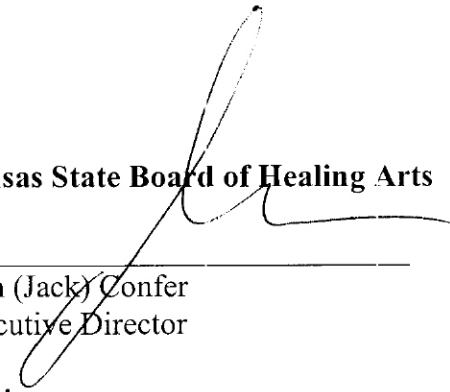
2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

3. No hearing has been requested by any party; therefore the Summary Order became effective as a final order on February 24, 2009.

IT IS SO ORDERED.

Dated this 27th day of February 2009.

Kansas State Board of Healing Arts



John (Jack) Confer
Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 27th day of February, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Mark Romereim, M.D.
217 Onewood
Andover, KS 67002

and a copy was hand-delivered to:

Lori D. Dougherty
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

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

John (Jack) Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant

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

KS State Board of Healing Arts

In the Matter of)
MARK E. ROMEREIM, M.D.)
)
Kansas License No. 04-24083)
_____)

Docket No. 09-HA00118

SUMMARY ORDER

NOW ON THIS 25th day of February, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Mark E. Romereim, M.D. ("Licensee") was originally issued license number 04-24083 to practice as a medical doctor in the state of Kansas on June 12, 1992. Licensee's license is active, having last been renewed on or about June 25, 2008.
2. Licensee's last known mailing address as provided to the Board at the time of his renewal is 217 Onewood., Andover, KS 67002.
3. On December 31, 2007, Licensee's malpractice insurance through the Kansas Medical Mutual Insurance Company ("KaMMCO") expired.

4. On February 29, 2008, Licensee paid KaMMCO to renew his insurance, with a policy effective date retroactive to January 1, 2008. The policy was issued by KaMMCO on March 5, 2008.

5. Licensee was actively practicing medicine from January 1, 2008 through March 5, 2008, despite knowing he had not renewed his malpractice insurance policy.

6. On March 11, 2008, Board investigators called the Kansas Healthcare Stabilization Fund (“HCSF”). Staff at HCSF stated Licensee was not currently covered through the Fund and had cancelled Licensee’s insurance for non-payment.

7. On April 29, 2008, Board staff received a two-page letter from Licensee, stating reasons why he made a “delayed” payment for his insurance policy, along with documentation of the policy from KaMMCO.

8. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board’s Disciplinary Panel. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions pursuant to Board Guidelines.

Applicable Law

9. K.S.A. 65-2836 states, in pertinent part: A licensee’s license may be revoked, suspended, or limited or the licensee may be publicly or privately or censured upon finding of the existence of any of the following grounds:

(y) The licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402.

10. K.S.A. 40-3402 states, in pertinent part: (a) A policy of professional liability

insurance approved by the commissioner and issued by an insurer duly authorized to transact business in this state in which the limit of the insurer's liability is not less than \$200,000 per claim, subject to not less than a \$600,000 annual aggregate for all claims made during the policy period, shall be maintained in effect by each resident health care provider as a condition to rendering professional service as a health care provider in this state, unless such health care provider is a self-insurer.

Conclusions of Law

11. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

12. Licensee's non-renewal of policy until February 29, 2008, subsequent writing of policy by KaMMCO on March 5, 2008, cancellation of insurance by HCSF for non-payment, and continued provision of services to patients constitutes a violation of K.S.A. 65-2836(y).

13. Based on the facts and circumstances set forth herein, it appears that 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 the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Mark E. Romereim, M.D.

IT IS, THEREFORE, ORDERED Licensee is hereby **PUBLICLY CENSURED** for violating the Healing Arts Act.

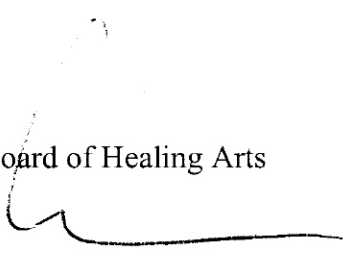
NOTICE AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

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 20 **day of February 2009.**

Kansas State Board of Healing Arts



Jack Confer
Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 3rd day of February, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

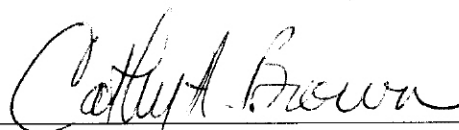
Mark E. Romereim, M.D.
217 Onewood
Andover, KS 67002

and a copy was hand-delivered to:

Lori D. Dougherty
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

and the original was filed with the office of the Executive Director:

Jack Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant