

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

KS State Board of Healing Arts

In the Matter of)	
)	
Arian Marcus Culp, M.D.)	KSBHA Docket No. 24-HA00005
Application for License to Practice Medicine)	
and Surgery)	
)	

FINAL ORDER

On August 11, 2023, this matter came before the Kansas State Board of Healing Arts (“Board”) for a Conference Hearing on Arian Marcus Culp, M.D.’s (“Applicant”) application for an active license to practice medicine and surgery in Kansas. Applicant appeared in person, by and through counsel, Robert V. Muller, and Disciplinary Panel #38 appeared in person, by and through Associate Litigation Counsel, Lisa Montgomery.

Under 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, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the oral arguments and testimony of the Applicant, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

PROCEDURAL HISTORY

On or about January 27, 2023, Applicant submitted an application for an active license to practice medicine and surgery in Kansas. That application was deemed complete and filed with the Board on July 25, 2023.

On July 25, 2023, Disciplinary Panel #38, through Associate Litigation Counsel, Lisa Montgomery, filed a Response to Application for Active License to Practice Medicine and Surgery (“Response”).

A Notice of Hearing was filed and served on July 25, 2023, and August 2, 2023, setting a Conference Hearing regarding Applicant’s application for licensure in Kansas. No objection to the Notice of Hearing was filed.¹

¹ In advance of the oral arguments, the Board was provided the entire agency record to facilitate a comprehensive understanding of the underlying matter, including all exhibits, briefs, and motions filed by the parties in advance of oral arguments. The entire agency record was considered by the Board in rendering the decision.

FINDINGS OF FACT

1. On or about January 27, 2023, Applicant submitted an application for an active license to practice medicine and surgery in Kansas. That application was deemed complete and filed with the Board on July 25, 2023.
2. On July 25, 2023, Disciplinary Panel #38, through Associate Litigation Counsel, Lisa Montgomery, filed a Response. The Response asked for the full Board to make the final determination on whether Applicant should be granted licensure.
3. On his application, Applicant answered “yes” to the following attestation questions:
 - a. Question 16 – Have you ever been arrested? You must include all arrests including those that have been set aside, dismissed, expunged, pardoned, or where a stay of execution has been issued.
 - b. Question 17 – Have you ever been charged with a crime, indicted, convicted of a crime, imprisoned, or placed on probation? You must include those that have been set aside, dismissed, pardoned, or expunged, or where a stay of execution has been issued.
4. **CONFIDENTIAL**
5. On March 4, 2004, Applicant was charged with Theft/Stealing greater than \$500.00 but less than \$25,000.00 in Buchanan County, Missouri.
6. On March 22, 2004, Applicant plead guilty to Theft/Stealing less than \$500.00, a Class A misdemeanor in Missouri and was sentenced to one year of unsupervised probation upon payment of full restitution.
7. As shown in Applicant’s application materials and as presented by counsel for Applicant at his Conference Hearing, this is Applicant’s only criminal offense and it occurred approximately 20 years ago.
8. Applicant otherwise meets all technical requirements for an active license to practice medicine and surgery in Kansas.

CONCLUSIONS OF LAW

I. **Applicable Law**

K.S.A. 65-2801 articulates the statutory mission of the Board and states:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

Under K.S.A. 65-2836, a “licensee’s license may be revoked, suspended or limited, or the licensee may be publicly censure 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:”

(c) The licensee has been convicted of a felony or class A misdemeanor, or substantially similar offense in another jurisdiction, whether or not related to the practice of the healing arts, or the licensee has been convicted in a special or general court-martial, whether or not related to the practice of the healing arts. The board shall revoke a licensee's license following conviction of a felony or substantially similar offense in another jurisdiction, or following conviction in a general court-martial occurring after July 1, 2000, unless a $\frac{2}{3}$ majority of the board members present and voting determine by 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. In the case of a person who has been convicted of a felony or convicted in a general court-martial and who applies for an original license or to reinstate a canceled license, the application for a license shall be denied unless a $\frac{2}{3}$ majority of the board members present and voting on such application determine by clear and convincing evidence that such person 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.

II. **Conclusion**

A. Applicant’s application to practice medicine and surgery in Kansas is granted.

To carry out its mission to protect the public, the Board is granted discretionary authority to, among other actions, deny an application for licensure if any of the criteria under K.S.A. 65-2836 are met. In this case, denial of licensure is not warranted.

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While Applicant has been convicted of a class A misdemeanor, this is Applicant's only criminal offense, it is not a felony offense, and it occurred approximately 20 years ago. Here, the Board has exercised its discretion and voted unanimously to grant Applicant licensure at the Conference Hearing.

ORDER

IT IS THEREFORE ORDERED, Applicant's application to practice medicine and surgery in Kansas is **GRANTED**, which was reflected on the record as approved at the Conference Hearing on August 11, 2023.

IT IS SO ORDERED this 8th day of September 2023.

KANSAS STATE BOARD OF HEALING ARTS

Susan Gile

Susan Gile, Executive Director

NOTICE OF APPEAL 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. Under K.S.A. 77-529, parties 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 Susan Gile, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **FINAL ORDER** was served, by depositing the same in the United States mail, postage prepaid, and emailed on this 8th day of September 2023, addressed to:

Arian Marcus Culp, M.D.

CONFIDENTIAL

Applicant

Ronald V. Muller, #22509
Ronald Muller Attorney at Law
282 NE Tudor Rd
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rmuller478@aol.com
Attorney for Applicant

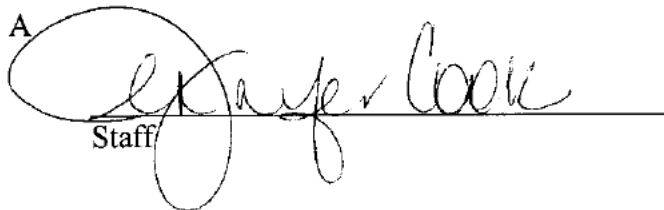
A copy was hand-delivered to:

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Lisa Montgomery, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
Lisa.montgomery@ks.gov

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

Susan Gile
Executive Director
Kansas Board of Healing Arts
800 S.W. Jackson, Lower Level-Suite A
Topeka, Kansas 66612


Staff

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