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

Kansas Board of Healing Arts

In the Matter of)
CHRISTIAN HEATH, M.D.)
)
Kansas License No. 04-37009)
_____)

KSBHA Docket No. 14-HA00075

FINAL ORDER GRANTING LICENSURE

NOW on this 23th day of January 2014, comes before the Presiding Officer, Kimberly J. Templeton, M.D., the application of Christian Heath, M.D. (“Applicant”) for a license to practice medicine and surgery in the State of Kansas. Applicant appears in person and by and through counsel, Marta Fisher Linenberger of Foulston Siefkin, LLP. Reese Hays, 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, the Presiding Officer hereby enters this Final Order in the above-captioned matter. After reviewing the agency record and evidence presented, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Presiding Officer makes the following findings, conclusions and order:

1. On or about October 30, 2013, 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 December 18, 2013.
2. Applicant graduated from medical school at Humboldt University in Berlin, Germany in May, 2003.

3. Applicant was engaged in postgraduate training in anesthesiology from approximately September of 2004 through December of 2009 in Germany.

4. Applicant actively practiced medicine and surgery in Germany from approximately December of 2009 through April of 2011.

5. Since approximately July of 2011 to present, Applicant has been engaged in postgraduate training in anesthesiology at the Kansas University School of Medicine in Wichita, Kansas.

6. K.A.R. 100-7-1(b)(1) requires that applicants for licensure by examination pass all remaining steps of the United States Medical Licensing Exam (“USMLE”) within a ten-year timeframe of passing Step 1.

7. Applicant passed all required steps of the USMLE on his first attempt of each step. However, more than ten (10) years elapsed between the time Applicant passed Step 1 and Step 3. Applicant passed Step 1 in August of 2000, Step 2 in September of 2003, and Step 3 in March of 2013.

8. Applicant’s delay beyond ten (10) years in taking Step 3 was due to Applicant’s active practice of medicine in Germany. When Applicant decided to return to the United States to enter a postgraduate training program in Kansas, Applicant discovered that he was beyond the ten-year timeframe to take Step 3.

9. The Board approved Applicant to take Step 3 out-of-time in March of 2013.

10. The Presiding Officer finds that Applicant’s education, extensive postgraduate training and successful passage of each USMLE step on his first attempt warrant good cause to waive the ten-year requirement to pass all three steps of the USMLE.

11. The Presiding Officer concludes that Applicant should be granted licensure by examination.

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 29th **DAY OF** January, **2014 IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

Kimberly J. Templeton, M.D. by KJS
Kimberly J. Templeton, M.D., Presiding Officer
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 LICENSURE** was served on this 29th day of January, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Christian Heath M.D.
Confidential
Wichita, KS 67208

Gary L. Ayers
FOULSTON SIEFKIN, LLP
1551 N. Waterfront Parkway, Suite 100
Wichita, KS 67206

Marta Fisher Linenberger
FOULSTON SIEFKIN, LLP
534 S. Kansas Avenue, Suite 1400
Topeka, KS 66603

And a copy was hand-delivered to:

Reese Hays, 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 filed with the office of the Executive Director:


Cathy Brown, Executive Assistant