

FILED CAP

FEB 27 2009

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.

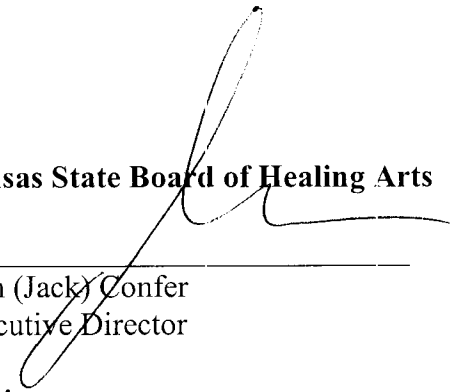
2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

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

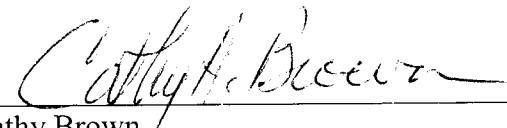
and a copy was hand-delivered to:

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 3RD 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 32nd **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.
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and the original was filed with the office of the Executive Director:

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Cathy Brown
Executive Assistant