

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

F I L E D

JUN 13 2002

In the Matter of)
)
WAGIH B. SILWANCE, M.D.)
License No. 04-16668)
_____)

Docket No. 02-HA-57

KANSAS STATE BOARD OF
HEALING ARTS

FINAL ORDER

NOW on this the 1st day of June, 2002, this matter comes before the Kansas Board of Healing Arts, ("Board") a Petition to Revoke, Suspend, or Otherwise Limit License filed against the license of Wagih B. Silwance, M.D, ("Respondent"). Petitioner appears through Kelli J. Benintendi, Associate Counsel. Respondent appears in person and through counsel, Roger P. Wright, and local counsel, Jason K. Rew.

After hearing the arguments of counsel, the statements of Respondent, and having the record before it, the Board finds, concludes and orders as follows:

1. Respondent was issued license number 4-16668 on August 9, 1976. Respondent's license is presently in active status and he practices in Leawood, Kansas, specializing in psychiatry.
2. On January 7, 2000, a Complaint was filed against Respondent's Missouri medical license by the Missouri Board of Registration for the Healing Arts ("Missouri Board").
3. On June 19, 2001, a Consent Order was entered against Respondent's Missouri medical license. The Consent Order adopted a Joint Stipulation of Facts, Waiver of Hearing before the Administrative Hearing Commission and State Board of Registration for the Healing Arts, and Consent Order with Joint Proposed Findings of Fact and Conclusions of Law ("Joint Stipulation") entered into by Respondent and the Missouri Board.

4. The Joint Stipulation sets forth that Respondent engaged in unprofessional conduct in the form of boundary violations with two (2) patients. The conduct included hugging and having the patients sit on his lap and took place during Respondent's therapy sessions with each of the patients in his Leawood, Kansas office.

5. The Joint Stipulation imposed discipline against Respondent's Missouri medical license in the form of a three (3) year probationary license, ordering Respondent to obtain an evaluation at the Professional Renewal Center and to follow the reasonable recommendations of such evaluation and complete a CME course in physician-patient boundary issues.

6. Respondent submitted his 2000-2001 Renewal Application for Medicine and Surgery to the Board on or about April 30, 2000. In the renewal application, Respondent answered "no" to disciplinary question number 13(c) which read, " Since May 1, 1999, has any disciplinary action been taken or initiated against you by a state licensing agency or other state or federal agency, or have you surrendered or consented to limitation of license to practice in any state?"

7. In his renewal application, Respondent misrepresented that he had not had disciplinary action initiated by any other state licensing agency during that timeframe, when in fact, such an action had been initiated by the Missouri Board on January 7, 2000.

8. Having a medical license limited by the proper licensing authority of another state constitutes grounds for discipline under K.S.A. 65-2836(j).

9. Committing fraud or misrepresentation when applying for renewal of a license to practice the healing arts constitutes grounds for discipline under K.S.A. 65-2836(a).

10. The Board imposes a sixty-day suspension of Respondent's license, commencing the 15th of June, 2002, and orders Respondent to pay a fine to the Board in the amount of \$3,000.

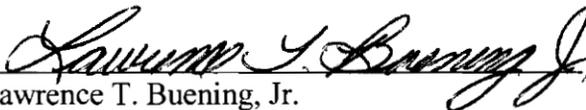
IT IS THEREFORE ORDERED that the license of Wagih B. Silwance, M.D. is hereby suspended for sixty (60) days, commencing June 15, 2002.

IT IS FURTHER ORDERED that Respondent shall pay a fine to the Board in the amount of \$3,000, said fine to be paid on or before August 14, 2002.

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in District Court as authorized by K.S.A. 77-610, *et seq.* Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within thirty (30) days of the Final Order. A copy of any such petition for judicial review must be served upon the Board addressed to the Executive Director at 235 South Topeka Boulevard, Topeka, Kansas 66603.

Dated this 13th day of June, 2002.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

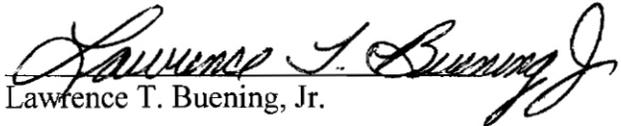
I, Lawrence T. Buening, Executive Director, Kansas State Board of Healing Arts, hereby certify that I served a copy of the above **Final Order** by depositing the same in the U.S. mail, postage prepaid, on this the 13th day of June, 2002, addressed to:

Roger P. Wright
1300 NW Jefferson Court
Blue Springs, MO 64015

Jason K. Rew
Cochran, Oswald, McDonald, Roam & Moore, P.C.
601 NW Jefferson
Blue Springs, MO 64014

and the original was hand-delivered to:

Kelli J. Benintendi
Associate Counsel
Kansas State Board of Healing Arts
235 South Topeka Boulevard
Topeka, Kansas 66603-3068


Lawrence T. Buening, Jr.

FILED

SEP 16 2002

KANSAS STATE BOARD OF
HEALING ARTS

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

In the Matter of)
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Docket No. 02-HA-57

JOURNAL ENTRY

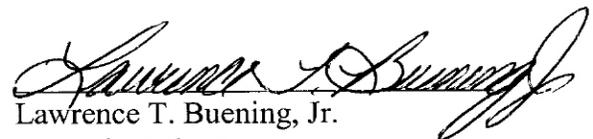
NOW ON THIS 16th day of September 2002, this matter comes before Lawrence T.

Buening, Jr., Executive Director, who notes as follows:

1. The Board issued a Final Order effective June 15, 2002. That order imposed a 60-day suspension of Respondent's license, beginning June 15, 2002, and a fine in the amount of \$3000.
2. The suspension of Respondent's license was completed August 14, 2002, and following that date the status of Respondent's license was shown as active.
3. The Board received full payment of the fine and issued a receipt for payment on September 5, 2002.

Dated this 16th Day of September 2002.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that the foregoing Journal Entry was served this 17th day of September 2002 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Roger P. Wright
Lance V. Baughman
1300 NW Jefferson Court
Blue Springs, MO 64015

and a copy was hand-delivered to:

Kelli J. Benintendi
Associate Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

A handwritten signature in black ink, appearing to read "Lawrence A. Baughman", written over a horizontal line.