

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

CAP

APR 10 2008

KS State Board of Healing Arts

In the Matter of)
ETHAN BICKELHAUPT, M.D.)
)
Kansas License No. 04-18225)
_____)

Docket No. 08-HA-00040

FINAL ORDER

NOW, on this 8th day of April, 2008, this matter comes on before Carolina M. Soria, D.O. (“Presiding Officer”) who has been appointed by the Kansas State Board of Healing Arts (“Board”) to serve as Presiding Officer to conduct necessary proceedings and issue a Final Order on the Petition to Reinstate License filed February 19, 2008, by Ethan Bickelhaupt, M.D. (“Licensee”).

The hearing was commenced in the office of the Board on April 8, 2008. Licensee appeared in person and through his attorney, Arthur A. Glassman, Topeka. Dan Riley, Associate Counsel, appeared for the Board.

After reviewing the file, hearing the statements and arguments of counsel and the testimony of Licensee, and being otherwise duly advised in the premises, the Presiding Officer makes the following findings and orders:

1. On September 21, 2007, a Consent Order for Suspension of License was filed in which Licensee’s license number 04-18225 was suspended until further order of the Board. On October 20, 2007, the Board ratified the actions of the Board’s Executive Director in accepting the Consent Order and a Journal Entry was filed October 24, 2007.

2. The Consent Order provided that Licensee may petition the Board for termination of the license suspension **(Confidential)**
(Confidential)

3. During the course of the hearing, Licensee offered five exhibits that were admitted into evidence without objection. In addition, the Presiding Officer has reviewed Licensee's Exhibit A and Board Exhibits 2 and 3 that were made part of the agency record during proceedings held before the Board as a whole on December 8, 2007.

4. On November 19, 2007, Licensee filed a Petition to Set Aside Journal Entry of October 20, 2007 and Reinstate License.

5. The Petition filed by Licensee on November 19, 2007 was scheduled for a conference hearing before the Board as a whole on December 8, 2007.

6. Following the hearing on December 8, 2007, the Board issued a Final Order denying Licensee's Petition and finding that, while Licensee had made substantial progress **(Confidential)** had not been sufficient to allow Licensee to return to the active practice of medicine and surgery in the state of Kansas.

7. On February 19, 2008, Licensee filed a Petition to Reinstate License that **(Confidential)**

8. At its meeting February 23, 2008, the Board ordered that a presiding officer be designated to conduct further proceedings as necessary on the Petition to Reinstate License and that, following those proceedings, the presiding officer be authorized to render a final order pursuant to K.S.A. 77-514(g).

9. Following conclusion of the hearing on April 8, 2008, Licensee provided a certificate that he has completed a course on Sexual Boundary Violations.

10. **(Confidential)**

(Confidential)

11. Based on the evidence presented, it is the determination of the Presiding Officer that Licensee is currently able to practice medicine and surgery with reasonable skill and safety to patients and that the suspension of Licensee's license should be terminated with the following limitations placed on Licensee and his license:

(Confidential)

(Confidential)

j. Licensee shall not engage in solo or independent private practice of medicine and surgery without the authority of the Board.

k. Within seven days of the effective date of this Final Order, Licensee shall inform of the Board of all of his intended practice locations and thereafter notify the Board within seven days of any change in his practice locations.

12. The limitations set forth in paragraph 11 shall be in force for a period of five years, after which time Licensee may petition the Board for termination or modification of any such limitations.

IT IS THEREFORE ORDERED that the suspension of Licensee's license is hereby terminated and the license placed on current and active status.

IT IS FURTHER ORDERED Licensee's license is limited and Licensee shall comply with the following limitations:

(Confidential)

(Confidential)

j. Licensee shall not engage in solo or independent private practice of medicine and surgery without the authority of the Board.

k. Within seven days of the effective date of this Final Order, Licensee shall inform of the Board of all of his intended practice locations and thereafter notify the Board within seven days of any change in his practice locations.

IT IS FURTHER ORDERED that the above limitations shall be in force for a period of five years, after which time Licensee may petition the Board for termination or modification of any such limitations.

IT IS FURTHER ORDERED that a protective order is hereby entered to protect all confidential information **(Confidential)**

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 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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

DATED this 10th day of April, 2008.


Carolina M. Soria, D.O.
Presiding Officer

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Final Order was served this 10th day of April, 2008, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Ethan Bickelhaupt, M.D.
3315 SW 15th Street
Topeka, KS 66604-2519

Arthur A. Glassman
Sloan, Eisenbarth, Glassman, McEntire & Jarboe, LLC
1000 Bank of America Tower
534 S. Kansas Avenue
Topeka, KS 66603

and a copy was hand-delivered to the office of

Dan Riley, Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

and the original filed in the office of the Executive Director.

