

**FILED**

*CAB*

AUG 26 2010

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

KS State Board of Healing Arts

**In the Matter of** )  
**James A. Black, D.O.** )  
**License No. 05-24331** )  
\_\_\_\_\_ )

Docket No. <sup>07</sup>~~09~~-HA00084

**FINAL ORDER**  
**(Pursuant to K.S.A. 77-501 et seq. )**

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“Board”) by K.S.A. 65-2801 et seq. and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 et seq., the Board hereby enters this Final Order in the above-captioned matter. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

**I. Findings of Fact**

The Board has been shown the following facts:

1. James A. Black (“Licensee”) (confidential), Hays, Kansas 67601, is licensed in the State of Kansas, License No. 05-24331, and has been so licensed since October 31, 1992.
2. On or about April 23, 2007, Licensee entered into a Consent Order with the Board in lieu of disciplinary proceedings. The Consent Order was entered into between the Board and the Licensee to resolve concerns regarding inappropriate or improper prescription of controlled substances, failure to keep accurate written medical records, and failure to issue a prescription for a legitimate medical purpose or in the usual course of professional practice.

3.

(confidential)

4. Pursuant to the terms of the Consent Order entered on April 23, 2007,

Licensee's license was limited in the following manner:

II. Licensee was prohibited from ordering, prescribing, dispensing or administering medications to any employee, family member, significant others or any person with whom Licensee has a personal relationship.

III. Licensee would only prescribe, order, dispense or administer prescriptions for persons with whom Licensee had a physician-patient relationship and for whom he maintained a medical record.

IV.

(confidential)

V. Licensee's license and authority to prescribe was limited as described above for a period of at least three (3) years from April 23, 2007.

5. On March 30, 2010, Licensee requested termination of the Consent Order of April 23, 2007.

## **II. Applicable Law**

- a. K.S.A. 65-2801
- b. K.S.A. 65-2836
- c. K.S.A. 65-2837
- d. K.S.A. 65-2838

Final Order – Request to Terminate Consent Order  
James Black, D.O.

KSBHA Docket No. 09-HA00084

- e. K.S.A. 65-2870
- f. K.A.R. 68-20-18

### **III. Public Policy Statement**

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

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.

### **IV. Conclusions of Law**

Based upon the Findings of Fact enumerated in Paragraphs #1 through #5, the Applicable Law and the Public Policy Statement set forth above:

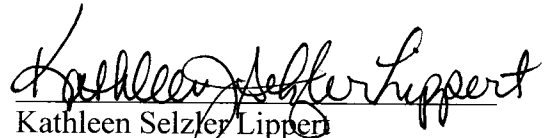
#### **THE BOARD HEREBY CONCLUDES AS FOLLOWS:**

6. Pursuant to the terms of the Consent Order entered into on April 23, 2007, upon compliance with the terms of the Consent Order and the expiration of three (3) years, Licensee could request termination of the Consent Order.
7. Licensee has complied with the terms of the Consent Order entered into on April 23, 2007.
8. The Consent Order entered into on April 23, 2007 is not self-terminating.
9. On March 30, 2010, Licensee requested termination of the Consent Order.
10. The three (3) year term for monitoring and limitation as set forth in the Consent Order of April 23, 2007 has elapsed.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:**

11. The Consent Order of April 23, 2007 is hereby **TERMINATED**.
12. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

**IT IS SO ORDERED THIS 26 DAY OF Aug, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

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

**CERTIFICATE OF SERVICE**

I, hereby certify that a true copy of the foregoing Final Order was served this 26<sup>th</sup> day of August, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Dr. James Black, D.O.  
2517 Canterbury Drive  
Hays, Kansas 67601

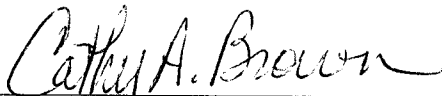
And a copy was hand delivered to the office of:

Lori D. Dougherty  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

Katy Lenahan  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant