

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

APR 30 2012

HQS

KS State Board of Healing Arts

In the Matter of

JANA R. BRONFMAN, D.O.
Kansas License No. 05-22779

)
)
)
)

KSBHA Docket No. 12-HA00077

**EX PARTE EMERGENCY ORDER OF TEMPORARY SUSPENSION
OF LICENSE AND PROTECTIVE ORDER**

NOW on this 30th day of April 2012, this matter comes before M. Myron Leinwetter, D.O., Presiding Officer, upon a Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings filed by Jessica A. Bryson, Associate Litigation Counsel on behalf of the Petitioner Board against the license of Jana R. Bronfman, D.O. ("Licensee"). There are no other appearances.

The Presiding Officer has reviewed the agency record in Kansas Board of Healing Arts Docket No. 12-HA00077, including the Petition filed on April 30, 2012, against Licensee's license and the Motion for *Ex Parte* Emergency Order of Suspension of Licensee license's which was filed with the Board on April 30, 2012. The Motion requests an emergency suspension of Licensee's license, requests emergency proceedings and seeks a protective order regarding certain privileged and confidential information. The Presiding Officer has also reviewed Board Exhibits A, B and C that are attached to the Motion. Based upon due consideration of the pleadings and exhibits in the agency record, the Presiding Officer finds, concludes and orders as follows:

1. The Petition and Motion for *Ex Parte* Emergency Order of Suspension allege that Licensee has an inability to practice the healing arts with reasonable skill and safety by
confidential

2. The Motion requests an order be issued pursuant to K.S.A. 65-2838(c) and 77-536. Under those statutes, the Presiding Officer may issue an order without notice and hearing, and may temporarily limit or suspend a license if the Presiding Officer finds an imminent danger to the public health and safety.

3. The Motion incorporates the allegations contained in the Petition and also includes Exhibits A which is the affidavit
confidential
confidential

confidential Exhibit B which is the affidavit of Joe Tatr, Special Investigator II for the Board, and Exhibit C which is Licensee's 2011 Renewal Application and accompanying responses and correspondence with the Board.

FINDINGS

4. Licensee's last known mailing address to the Board is confidential Kansas City, Missouri, 64142.

5. Licensee is or has been entitled to practice osteopathic medicine and surgery in the State of Kansas, having been issued License No. 05-22779 on approximately June 16, 1989, and having last renewed such license on approximately August 24, 2011.

6. At all times relevant to the allegations set forth in the Motion, Licensee has held an exempt license designation to practice osteopathic medicine and surgery in the State of Kansas.

confidential

7.

8.

9.

10.

11. The Presiding Officer finds that the present exempt status of Licensee's license constitutes an immediate danger to the public health, safety, or welfare, due to Licensee's inability to practice with reasonable skill and safety to patients confidential
confidential

CONCLUSIONS

12. The Presiding Officer concludes that there is cause to believe that Licensee has violated K.S.A. confidential in that Licensee has the inability to practice the healing arts with reasonable skill and safety to patients confidential
13. There are grounds to revoke, suspend, limit, censure or place Licensee's license on probationary conditions confidential
14. The Presiding Officer concludes that the present unrestricted status of Licensee's exempt license constitutes a situation involving imminent danger to the public health and safety requiring immediate state agency action pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536.
15. The Presiding Officer further concludes that Licensee's license to practice the healing arts should be emergently suspended on a temporary basis until such time as further hearing proceedings can be held.

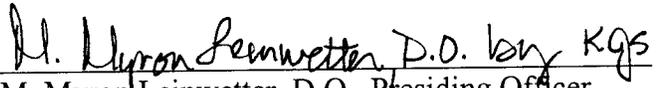
IT IS THEREFORE ORDERED that Licensee's license is hereby SUSPENDED on a temporary basis pending further hearing proceedings.

IT IS FURTHER ORDERED that board counsel shall serve this order in the manner provided by law and shall complete and file a proof of service.

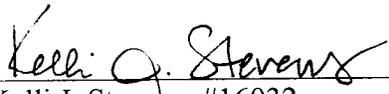
IT IS FURTHER ORDERED that a Protective Order is hereby issued to protect all information which is privileged and/or confidential confidential
confidential and K.S.A. 65-2898a.

**IT IS SO ORDERED THIS ____ DAY OF APRIL, 2012, IN THE CITY OF TOPEKA,
COUNTY OF SHAWNEE, STATE OF KANSAS.**

KANSAS STATE BOARD OF HEALING ARTS


M. Myron Leinwetter, D.O., Presiding Officer

Prepared by:


Kelli J. Stevens, #16032
General Counsel

PLEASE TAKE NOTICE that this is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition for judicial review is not timely unless filed within 30 days following service of the order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director at 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the *Ex Parte*
Emergency Order of Temporary Suspension of License and Protective Order by United
States mail, postage prepaid, on this 30th day of April, 2012, to the following:

Jana R. Bronfman, D.O.
confidential
Kansas City, MO 64152
Licensee

Malinda Schoeb
1401 Windsor
Leawood, KS 66224
Attorney for Licensee

And a copy was hand-delivered to:

Jessica A. Bryson, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

And the original was filed the office of the Executive Director.