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CAB

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BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
)
JULIE R. BURRIS, M.D.)
)
Kansas License No. 04-26357)

Docket No.: 11-HA00109

EX PARTE EMERGENCY ORDER OF SUSPENSION

NOW on this 26 day of May, 2011, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. On May 26, 2011, Associate Litigation Counsel Lori D. Dougherty (“Petitioner”) filed a Motion for *Ex Parte* Emergency Order of Suspension and Emergency Proceedings. There are no other appearances.

The Presiding Officer has reviewed the agency file in Kansas Board of Healing Arts Docket No. 11-HA00109. The Presiding Officer finds, concludes and orders as follows:

1. This is a motion for an order pursuant to K.S.A. 65-2838 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, safety, or welfare.
2. The Presiding Officer has received and reviewed a Motion for an *Ex Parte* Order suspending Licensee license filed with Kansas State Board of Healing Arts on May 26, 2011. The motion requests an emergency suspension of Licensee’s license.
3. The motion for an emergency order in the above captioned case alleges that Julie R. Burris, M.D. (“Licensee”) is in violation of the Kansas Healing Arts Act:
 - a. confidential

confidential

b.

c. Licensee has violated K.S.A. 65-2836(p), in that Licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes.

d. Licensee has violated K.S.A. 65-2836(b), further defined by K.S.A. 65-2837(b)(12), in that Licensee has committed conduct likely to deceive, defraud or harm the public in violation of the Kansas Healing Arts Act.

e. Licensee has violated K.S.A. 65-2836(b), further defined by K.S.A. 65-2837(b)(23), in that Licensee has prescribed, dispensed, administered, or distributed a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee’s professional practice.

4. The motion for an emergency order in the above captioned case incorporates and includes Exhibit A: Petition filed in KSBHA Docket number 11-HA00109, Exhibits B:

confidential

Exhibit C: the

confidential

Exhibit D: confidential

Exhibit E: Licensee’s

profile for Wichita Clinic, stating she has been on indefinite leave of absence since April 12, 2011, and Exhibit F: Wichita Clinic Affidavit regarding Licensee’s leave of absence.

FINDINGS OF FACT

5. Julie R. Burris, M.D.'s ("Licensee") last known mailing address to the Board is: 13213 West 21st Street North, Wichita, KS 67235.
6. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-26357 on approximately August 17, 1996, and having last renewed such license on approximately May 20, 2010.
7. At all times relevant to the allegations set forth in the Motion, Licensee has held a current and active license to engage in the practice of medicine and surgery in the State of Kansas.
8. Licensee presently has an active and unrestricted license to practice medicine and surgery in the state of Kansas.
9. The Presiding Officer finds that Licensee is an imminent danger to the public health, safety, or welfare, confidential or distribution of drugs for any other than lawful purposes.
10. The Presiding Officer finds that Licensee is an imminent danger to the public health, safety, or welfare, due to an inability to practice the healing arts with reasonable skill and safety to patients confidential confidential
11. The Presiding Officer finds that Licensee is an imminent danger to the public health, safety, or welfare, due to prescribing a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee's professional practice.

CONCLUSIONS OF LAW

12. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, fine or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.
13. Pursuant to K.S.A. 65-2838(c), the Board has the authority to temporarily suspend Licensee's license if there is cause to believe that grounds exist under K.S.A. 65-2836 and amendments thereto for disciplinary action authorized by K.S.A. 65-2836 and amendments thereto against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.
14. Pursuant to K.S.A. 77-536, the Board may use emergency proceeding to protect the public from an immediate danger to the public health, safety or welfare.
15. confidential
16. confidential
17. The Presiding Officer finds there is cause to believe that Licensee has violated K.S.A. 65-2836(p), in that Licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes.
18. The Presiding Officer finds there is cause to believe that Licensee has violated K.S.A. 65-2836(b), further defined by K.S.A. 65-2837(b)(12), Licensee committed conduct

likely to deceive, defraud or harm the public in violation of the Kansas Healing Arts Act.

19. The Presiding Officer finds there is cause to believe that Licensee has violated K.S.A. 65-2836(b), further defined by K.S.A. 65-2837(b)(23), in that Licensee has prescribed, dispensed, administered, or distributed a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee's professional practice.
20. The Presiding Officer finds that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.
21. The Presiding Officer further concludes that Licensee's license to practice of medicine and surgery should be immediately suspended until such time as an evidentiary hearing can be scheduled.

IT IS THEREFORE, ORDERED that the license of JULIE R. BURRIS, M.D., is hereby immediately suspended.

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.

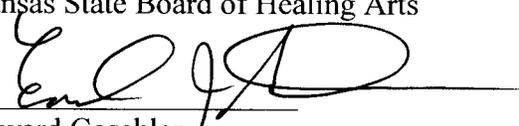
IT IS FURTHER ORDERED that a Protective Order is granted to protect all confidential information under confidential K.S.A. 65-4915, confidential 65-2839a(d), and K.S.A. 65-2898a.

PLEASE TAKE NOTICE that a hearing on this matter will be scheduled as soon as practicable at the Board office, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612. The issue to be determined is whether the emergency order of suspension should remain in place, be modified or terminated. A Notice of Hearing will be issued.

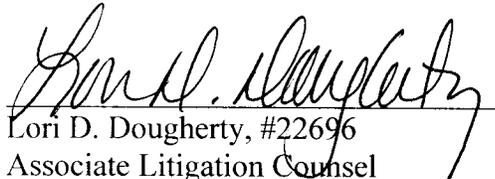
PLEASE TAKE NOTICE that this is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition for judicial review is not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

Dated this 26 day of May, 2011.

Kansas State Board of Healing Arts


Edward Gaschler
Presiding Officer

Prepared by:


Lori D. Dougherty, #22696
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson
Lower Level-Suite A
Topeka, Kansas 66612
(785) 368-8212

CERTIFICATE OF SERVICE

Janice K. Nadel hereby certify that I served a true and correct copy of the ***Ex Parte*** **Emergency Order of Suspension and Emergency Proceedings** by United States mail, postage prepaid, on this 20th day of May, 2011, to the following:

Julie Burris, M.D.
13213 W 21st St N
Wichita, Kansas 67235

Also via certified mail #7009 1680 0000 4539 9999

Julie Burris, M.D.
confidential
Wichita, Kansas 67212

Also via certified mail #7009 1680 0000 4548 5630

Courtesy copy to:
Tracie R. England
Hite, Fanning, Honeyman, L.L.P.
100 North Broadway, Suite 950
Wichita, Kansas 67202

And a copy was hand-delivered to:

Edward Gaschler
Presiding Officer
Office of Administrative Hearing
1020 South Kansas Ave
Topeka, Kansas 66612

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

And the original was hand-filed with:

Kathleen Selzler Lippert
Executive Director
Kansas Board of Healing Arts
800 SW Jackson St.
Lower Level Suite A
Topeka, Kansas 66612

Janice K. Nadel