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KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of)
Donald R. Cook, M.D.)
Kansas License No. 04-15113)

KSBHA Docket No. 10-HA00110

FINAL ORDER FOLLOWING CONFERENCE HEARING (Pursuant to K.S.A. 77-501, et seq.)

NOW, on this 17th day of June, 2011, comes before the Kansas State Board of Healing Arts ("Board") the motion of Donald R. Cook, M.D. ("Licensee") for termination of probation imposed under the terms of a Consent Order in Docket No. 10-HA00110. Licensee appears through counsel, Amy S. Lemley. Janith A. Lewis, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, 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 following a conference hearing in the above-captioned matter. After reviewing the file, hearing the testimony and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions of law and order:

I. Findings of Fact

1. Licensee maintains a license to engage in the practice of medicine and surgery in the State of Kansas, License No. 04-15113, and has been so licensed since approximately December 8, 1972.

2. Licensee's last known mailing address provided to the Board is: 2600 N. Woodlawn, Wichita, Kansas 67220-2729.

3. On or about February 23, 2010, Licensee entered into a Consent Order with the Board for alleged violations of the Kansas Healing Arts Act. Under the terms of the Consent Order, Licensee's license to practice medicine and surgery in the State of Kansas was placed on probation and Licensee was required to attend, and successfully complete, an additional continuing education course prescribed by the Board and to provide the Board with proof of successful completion of the continuing education course by August 1, 2010. The Consent Order states that Licensee may petition the Board for modification of the Order after a period of one year.

4. On or about October 18, 2010, Licensee submitted to the Board proof of successful completion of the continuing education course on June 18, 2010 that was prescribed in the Consent Order.

5. On or about May 16, 2011, Licensee petitioned the Board to lift the terms of probation imposed upon Licensee's license to practice medicine and surgery in the State of Kansas by the Consent Order.

6. On May 17, 2011, the Respondent Board filed a Response to Licensee's Motion.

II. Applicable Law

- a. K.S.A. 77-501, *et seq.* – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801, *et seq.* – Kansas Healing Arts Act

III. 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

Licensee has satisfactorily met all requirements of the Consent Order and has no further obligation for compliance.

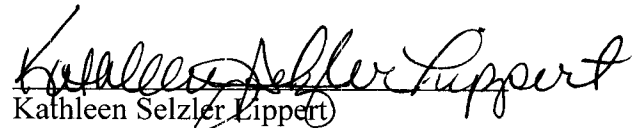
V. Order

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that Licensee has satisfied all terms and conditions of the Consent Order and that Licensee's motion to terminate the terms of probation in the Consent Order is hereby granted.

IT IS FURTHER ORDERED that the violations set forth in the Consent Order shall be deemed resolved without entry of further order.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 1 **DAY OF** July, 2011, **IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:



Randy E. Stookey, #21885
Assistant General Counsel
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 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Final Order was served this 1st day of July, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Donald R. Cook, M.D.
2600 N. Woodlawn
Wichita, KS 67220-2729

Amy S. Lemley
Foulston & Siefkin, LLP
1551 N. Waterfront Pkwy, Ste. 100
Wichita, KS 67206-4466

And a copy was hand-delivered to the following:

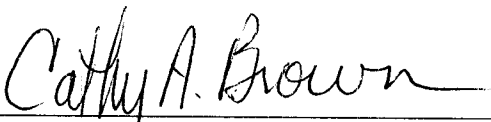
Janith A. Lewis, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

Melissa Massey, Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

The original was filed with the office of:

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



Cathy Brown
Executive Assistant