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

KS State Board of Healing Arts

**In the Matter of** )  
**Leslie M. Dally, D.O.** )  
**Kansas License No. 05-33439** ) **KSBHA Docket No. 20-HA00021**  
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**FINAL ORDER LIFTING SUSPENSION AND GRANTING INACTIVE LICENSE**

On October 11, 2019, this matter came before the Kansas State Board of Healing Arts (“Board”) for a proposed Consent Order regarding Leslie M. Dally, D.O.’s (“Licensee”) license to practice osteopathic medicine in Kansas. Licensee appeared in person, pro se. Matthew Gaus, Associate Litigation Counsel, appeared to present the position of the Disciplinary Panel.

Under 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, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the arguments of the parties, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

**PROCEDURAL HISTORY**

On or about June 3, 2019, Licensee submitted an application for Change of Designation/Type, seeking a change from Suspended, to Inactive. That application as deemed completed and filed with the Board on September 11, 2019. Originally, a Consent Order was proposed.

The hearing in this matter was held before the Board on October 11, 2019. After hearing from both parties, and testimony from the Licensee, the Board verbally issued its order **LIFTING** the suspension, and **GRANTING** Licensee an Inactive license status, with a written Final Order to follow in 30 days.

**FINDINGS OF FACT**

1. On or about October 15, 2013, Licensee entered into an Agreed Order of Indefinite Suspension (the “Kentucky Order”) with the Commonwealth of Kentucky Board of Medical Licensure (the “Kentucky Board”).

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2. Based on the Kentucky Order, this Board suspended Licensee's license to practice osteopathic medicine in Kansas, on July 2, 2014, finding a violation of K.S.A. 65-2836(j).<sup>1</sup>
3. Licensee was referred by the Kentucky Board to the Kentucky <sup>CONFIDENTIAL</sup> <sub>CONFIDENTIAL</sub> which in turn referred him for <sup>CONFIDENTIAL</sup> <sub>CONFIDENTIAL</sub> in Nashville, Tennessee. The <sub>CONFIDENTIAL</sub>
4. <sub>CONFIDENTIAL</sub>
- 5.
- 6.
7. Licensee was granted a limited license to practice in Kentucky in 2015 and began to practice primary care at a rehabilitation clinic.
8. Licensee was admitted into a medical residency program in Family Medicine in New York in February 2017.
9. Based on Licensee's successful compliance with the terms of the Kentucky Order and his <sub>CONFIDENTIAL</sub>, he was granted a license in New York with no restrictions, other than <sub>CONFIDENTIAL</sub>
10. Licensee's license in Kentucky was fully reinstated on or about November 21, 2018.
11. In support of his request, Licensee submitted to the Board numerous letters of recommendation, including:
  - a. <sub>CONFIDENTIAL</sub>
  - b.

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<sup>1</sup> *In the Matter of Leslie Milton Dally, D.O.*, KSBHA Docket No. 14-HA00153, Summary Order (Effective as a Final Order July 2, 2014).

CONFIDENTIAL

c.

d.

## CONCLUSIONS

### I. Case Law

Although not controlling, the most persuasive, and pertinent case law in this matter is *Vakas v. Kansas Bd. of Healing Arts*, 248 Kan. 589 (1991). In *Vakas*, the Kansas Supreme Court determined there are eight factors relevant in determining if a license to practice should be reinstated. *Id.* at 600. The factors include:

- (1) Present moral fitness of the petitioner;
- (2) Demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- (3) **CONFIDENTIAL**
- (4) The seriousness of the original misconduct;
- (5) Conduct subsequent to discipline;
- (6) The time which has elapsed since the original discipline;
- (7) Petitioner's character, maturity, and experience at the time of revocation; and
- (8) Petitioner's present competence.

### II. Conclusions

- A. The Board concludes Licensee has shown sufficient **CONFIDENTIAL** to justify lifting of the indefinite suspension and granting licensure.

Although Licensee's license was not revoked, it was indefinitely suspended – which would require the Board to determine whether or not he has been sufficiently **CONFIDENTIAL** to warrant lifting the indefinite suspension. The *Vakas* factors provide a persuasive, but not mandatory or binding, tool for the Board in determining if he has been sufficiently **CONFIDENTIAL**.

Over five years have passed since the Board indefinitely suspended Dr. Dally's license to practice osteopathic medicine in Kansas. Both the Board and Licensee recognize the original conduct that caused the suspension was concerning; but it is clear it has been addressed. Dr. Dally **CONFIDENTIAL** Licensee is now presently morally fit, which in large part is

demonstrated by **CONFIDENTIAL**, involvement in **CONFIDENTIAL**, and successful reentry into the practice of osteopathic medicine.

**CONFIDENTIAL**

**CONFIDENTIAL**. He has completed a residency program in Family Medicine, and now seeks to obtain a fellowship in the **CONFIDENTIAL** subspecialty of Addiction Medicine. Licensee also presently has full licenses to practice <sup>AI</sup> osteopathic medicine in both Kentucky and New York.

**CONFIDENTIAL** Under all the circumstances of this case, the Board finds that Licensee has shown sufficient warranting lifting of the suspension and granting Licensee an inactive license.

**ORDER**

**IT IS THEREFORE ORDERED**, that the indefinite suspension of Licensee's license is hereby **LIFTED**.

**IT IS FURTHER ORDERED**, that Licensee is **GRANTED** an Inactive license.

**IT IS SO ORDERED** this 13<sup>th</sup> day of November 2019.

**KANSAS STATE BOARD OF HEALING ARTS**

  
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For the Board, Tucker L. Poling,  
Interim Executive Director

**NOTICE OF APPEAL RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Under K.S.A. 77-529, parties may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 Tucker L. Poling, Interim Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing **FINAL ORDER LIFTING SUSPENSION AND GRANTING INACTIVE LICENSE**, by depositing the same in the United States mail, postage prepaid, on this 13<sup>th</sup> of November 2019, addressed and emailed to:

Leslie M. Dally, D.O.  
**CONFIDENTIAL**

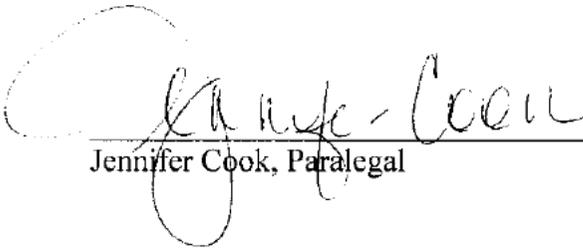
*Licensee*

And a copy was hand delivered to:

Matthew Gaus, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level – Suite A  
Topeka, KS 66612

and the original was filed with:

Tucker L. Poling, Interim Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level - Suite A  
Topeka, Kansas 66612

  
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Jennifer Cook, Paralegal