

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

F I L E D

OCT 21 1997

In the Matter of)
)
VERNON E. DYER, M.D.)
Kansas License No. 4-16988)
_____)

Case No. 98-00113

KANSAS STATE BOARD OF
HEALING ARTS

EX PARTE EMERGENCY ORDER
and
NOTICE OF HEARING

NOW ON THIS Eighteenth Day of October, 1997, comes before the Kansas State Board of Healing Arts (hereinafter, "Board") a Petition for Emergency Suspension Order. The Board appears through Kevin K. LaChance, Disciplinary Counsel. Respondent Vernon E. Dyer, M.D. does not appear. Having the record before it, and after hearing the petition by Disciplinary Counsel, the Board finds and concludes as follows:

1. This matter was initiated by the filing of an emergency petition on October 17, 1997. For the reasons stated below, the Board finds that sufficient cause is shown to proceed without notice to Respondent.

2. Respondent is currently licensed by the Board to engage in the practice of medicine and surgery in the State of Kansas.

3. Pursuant to a stipulation and order of the Board filed May 5, 1991, Respondent agreed
Confidential

Confidential The stipulation and order was terminated by a Board order dated August 23, 1996.

4. On or about October 9, 1997, Respondent was present at Clara Barton Hospital,

Hoisington, Kansas. A nurse who was present at the hospital with Respondent completed a written statement in which she expressed her belief that : Confidential

Confidential

5. Confidential

Confidential

6. The Board finds that, based upon the exhibits before it, Respondent has violated the healing arts act by being sanctioned by a hospital for conduct which would constitute grounds for disciplinary action under the healing arts act, as provided by K.S.A. 65-2836(s); Respondent's continued practice of the healing arts constitutes an immediate and substantial threat to the public health, safety and welfare. Based upon this finding, the Board is justified in taking only such action as necessary to protect the public.

7. A person whose privileges or interests have been impaired by an *ex parte* order is entitled to an opportunity for an immediate post-deprivation hearing. The Board appoints Dr. Christopher Rogers, M.D., a member of the Board, to sit as Presiding Officer to conduct a post deprivation proceeding and to issue an order following those proceedings. Further, Dr. Rogers is authorized to issue an order approving reasonable terms of settlement offered by the parties.

8. An emergency order is deemed to commence an administrative proceeding which would have occurred if the matter did not justify the use of emergency proceedings. In this case, the emergency petition is deemed by the Board to be a petition to revoke, suspend, limit, or otherwise discipline the license of Respondent. Dr. Rogers is further authorized to complete all proceedings upon the petition, and to issue an Initial Order thereon.

IT IS, THEREFORE, ORDERED that the license of Dr. Vernon E. Dyer, M.D. is immediately suspended.

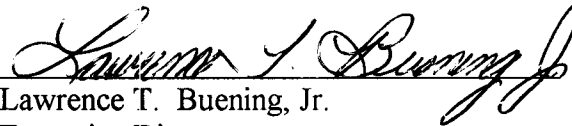
IT IS FURTHER ORDERED that Dr. Christopher Rogers is appointed to sit as Presiding Officer and to complete the proceedings and to issue such orders as directed herein.

PLEASE TAKE NOTICE THAT A HEARING on the emergency petition will commence at 10:00 a.m. on Thursday, October 23, 1997 in the office conference room of Dr. Christopher Rogers, M.D., 2101 N. Waldron, Hutchison, Kansas. Any party who desires to appear by telephone is requested to contact Mark W. Stafford, General Counsel to the Board at (785) 296-7413.

THIS IS AN EMERGENCY ORDER. An emergency order is effective when rendered. An aggrieved party may seek relief from this order by filing a petition for judicial review in the district court. A copy of any such petition may be served upon Lawrence T. Buening, Jr., Executive Director, at 235 S. Topeka Blvd., Topeka, Kansas 66603.

ENTERED THIS 21st DAY OF October, 1997.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Emergency Order and Notice of Hearing was served this 21st day of October, 1997 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to: Vernon E. Dyer, M.D., 720 N. Oak, P.O. Box 97, Hoisington, Kansas 67544; and a copy was hand-delivered to the office of: Kevin K. LaChance, Disciplinary Counsel, 235 S. Topeka Blvd., Topeka, Kansas 66603.

