

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

FILED FEB 3 2004 KANSAS STATE BOARD OF HEALING ARTS
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In the Matter of)
)
Merle J. Fieser, M.D.)
Kansas License No. 4-18324)
_____)

Docket No. 03-HA-55

FINAL ORDER

NOW, on this Thirty First Day of January 2004, this matter comes before the Board to review the Initial Order dated December 22, 2003. Stacy L. Cook, Litigation Counsel, appears for Petitioner. Respondent appears through Brian C. Wright.

After hearing the arguments of the parties, and having the agency record before it, the Board adopts the findings, conclusions and order stated in the Initial Order. Additionally, the Board orders as follows:

1. The Board finds that costs associated with the proceeding total \$23,333.66, and concludes that these costs are allowable as provided by K.S.A. 65-2846. Costs in this matter should be assessed against Respondent in the amount of \$23,333.66.

2. Respondent requests that the Board stay its order of revocation pending the conclusion of any judicial review. The Board finds that, contrary to Respondent's argument, some patients were injured as a result of Respondent's conduct. Specifically, the two young boys whom Respondent circumcised experienced unnecessary pain and bleeding, and one will require corrective surgery. Patient number three experienced pain exhibited by her screaming during the gynecological procedure. Patient number five will have to go through additional surgery to correct the deformity resulting from the manner in which Respondent treated the fracture. The Board further finds that Respondent's actions led to potential injury of other

patients. Additionally, the Board notes that prior Board findings suggest Respondent is not professionally competent in other practice areas, and that professional incompetence resulted in a limitation on Respondent's license to prohibit her from practicing obstetrics. Respondent's continued practice of the healing arts causes a substantial risk of harm to patients. The Board orders that Respondent's request for a stay of this order is denied.

IT IS THEREFORE ORDERED that Respondent's license to practice medicine and surgery is revoked.

IT IS FURTHER ORDERED that costs of this proceeding in the amount of \$23,333.66 are assessed against Respondent.

IT IS FURTHER ORDERED that Respondent's request for a stay is denied, and that such denial is based upon a substantial threat to the public health and welfare.

Dated this 2ND Day of February 2004.

_____/s/_____
Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 3rd day of February 2004 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Merle J. Fieser
4805 Quail Creek
Great Bend, KS 67530

Brian C. Wright
Law Offices of Brian C. Wright
4312 10th Place, Suite B
Great Bend, Kansas 67530

and a copy was hand-delivered to the office of:

Stacy L. Cook
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

____ Sheryl Snyder _____