

FILED  
JUN 26 2020

KS State Board of Healing Arts

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

**In the Matter of** )  
 ) **Docket No.: 20-HA00089**  
**Kenneth A. Fischer, M.D.** )  
**Kansas License No. 04-28013** )

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**AMENDED EMERGENCY ORDER OF TEMPORARY SUSPENSION  
AND EMERGENCY PROCEEDINGS**

This matter comes before the Presiding Officer on a motion filed on June 23, 2020, (“Motion”) on behalf of the Disciplinary Panel of the Board (“Petitioner”) for an *Ex Parte* Emergency Order of Suspension of the license of Kenneth A. Fischer’s, M.D. (“Licensee”) to practice medicine and surgery and for Emergency Proceedings. The Motion incorporated the Petition for discipline filed on the same date (“Petition”). Upon consideration of the agency record, including all filings and attached exhibits, the presiding officer finds, concludes and orders as follows:

1. Pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(c), there is reasonable cause to believe that:
  - a. grounds exist for disciplinary action; and
  - b. the immediate continuation in practice by Licensee would constitute an imminent danger to the public health and safety.
  
2. The cause to believe that grounds exist for disciplinary action and the Licensee’s immediate continuation in practice would constitute an imminent danger to the public health and safety include the following:

- a. The facts and documentary evidence as set forth and incorporated in the Motion and the Petition, all such facts and documentary evidence incorporated here by reference subject to the Protective Order that has been entered in this case.
- b. On January 20, 2020, Licensee's clinical privileges were suspended indefinitely by Manhattan Surgical Hospital ("MSH")  
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- c. On May 8, 2020, MSH revoked Licensee's clinical privileges.
- d. The reasons for Licensee's clinical privileges being indefinitely suspended, and subsequently revoked by MSH include, but are not limited to the following:  
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3. There is reasonable cause to believe that Licensee has repeatedly failed to follow infection control safety protocols, operated on patients under conditions that could subject patients to serious harm, and otherwise violated the Healing Arts Act as described in the Motion and Petition. There is reasonable cause to believe that Licensee's immediate continuation in practice would constitute an imminent danger to the public health by subjecting patients to an unreasonably high danger of serious infection or other bodily injury. The presiding officer further finds that, in addition to the facts and law referenced above, K.S.A. 65-2801, K.S.A. 65-2836, K.S.A. 65-2837, and the policy consideration of the Board's duty of public protection provide supplemental reasonable grounds in law and policy to justify the requested emergency suspension under the circumstances of this case.

4. Therefore, pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(b), Licensee's license to practice medicine and surgery is immediately temporarily suspended pending further proceedings and/or further Order of the Board.

**IT IS, THEREFORE, ORDERED** that the Motion is **SUSTAINED**. The license of Kenneth A. Fischer, M.D. ("Licensee"), is hereby **SUSPENDED** on a temporary basis pending further proceedings and/or further Order of the Board.

**IT IS SO ORDERED** this 26th day of June 2020.

**KANSAS STATE BOARD OF HEALING ARTS**

/s/ Tucker Poling, KS#23266, for  
Robin Durrett, D.O., Presiding Officer

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**Emergency Order of Suspension**

***In the Matter of Kenneth A. Fischer, M.D.; KSBHA Docket No. 20-HA00089***

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**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing was served this 26th day of June 2020 by depositing the same in the United States Mail, first-class postage prepaid, and via email addressed to:

Kenneth A. Fischer, M.D.  
**CONFIDENTIAL**

*Licensee*

A copy was hand delivered to:

Steven M. Lehwald  
Associate Litigation Counsels  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, KS 66612  
[steven.m.lehwald@ks.gov](mailto:steven.m.lehwald@ks.gov)

And the original was filed with the office of the Executive Director:

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



Jennifer Cook, Paralegal