

FILED
JUL 31 2020



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

KS State Board of Healing Arts

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

JOURNAL ENTRY VACATING EMERGENCY TEMPORARY SUSPENSION AND ORDERING

CONFIDENTIAL

On this 31st day of July 2020, the above captioned matter comes before the Board for a hearing on whether the temporary emergency order suspending Licensee’s license should remain in effect pending the formal hearing on the Petition. The hearing was conducted via video conference. Licensee appeared with counsel of record including J. Fox DeMoisey, John Hicks, and Courtney McCray. Board litigation counsel Steven Lehwald and Tammie Mundil appeared on behalf of the Disciplinary Panel of the Board. The presiding officer of the Board was Robin Durrett, D.O., who appeared with General Counsel for the Board, Tucker L. Poling. Exhibits were pre-filed by the parties, with additional exhibits offered at the hearing. All offered exhibits were admitted without objection. Testimony from witnesses, including the Licensee, was heard by the presiding officer.

On the evidence and testimony received at the hearing, the presiding officer finds, on present evidence, pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536, there is insufficient showing at this time of an *imminent* danger to public health and safety to support continuing an emergency temporary suspension. The emergency temporary suspension is **VACATED**.

Journal Entry
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A supplemental journal entry may be entered more fully addressing the issues raised in the hearing. Counsel for the Disciplinary Panel is given leave to file a response to the objections filed on July 30, 2020 by Licensee within 10 days. Licensee is granted leave to file a reply within 5 days thereafter.

As orally announced at the hearing, Licensee is **ORDERED**, pursuant to K.S.A. ^{CONFIDENTIAL} to undergo a ^{CONFIDENTIAL}

^{CONFIDENTIAL}

Based on the evidence and testimony admitted at the hearing, although the presiding officer does not find sufficient showing at this time of an imminent danger to public health and safety posed by Licensee's immediate continuation in practice, the presiding officer finds reasonable suspicion exists that Licensee's ability to practice medicine and surgery with reasonable skill and safety is impaired ^{CONFIDENTIAL}. Therefore, ^{CONFIDENTIAL}

^{CONFIDENTIAL} is warranted. The parties shall confer in good faith to agree on an individual or entity to conduct such examination and communicate the identity of the chosen examiner to the presiding officer via email to tucker.poling@ks.gov no later than August 8, 2020. If the parties cannot agree on an examiner, the presiding officer will select an examiner. The examination shall be conducted within 30 days of today's date unless an extension is granted by the presiding officer for good cause shown.

IT IS SO ORDERED.

DATED THIS 31st day of July 2020.

KANSAS STATE BOARD OF HEALING ARTS

/s/ Tucker Poling, KS #23266

Tucker Poling, on behalf of Robin Durrett, D.O.

Journal Entry

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing was served this 31st day of July 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

John Hicks
jh@nkfirm.com
Courtney McCray
cmccray@nkfirm.com
Norris Keplinger Hicks & Welder, LLC
9225 Indian Creek Parkway
Building 32, Suite 750
Overland Park, KS 66210
Attorneys for Licensee

J. Fox DeMoisey
fox@demoiseylaw.com
DeMoisey Law Office, PLLC
4965 U.S. Highway 42, Suite 1000
Louisville, KY 40222
Admitted Pro Hac Vice
Attorney for Licensee

A copy was hand delivered to:

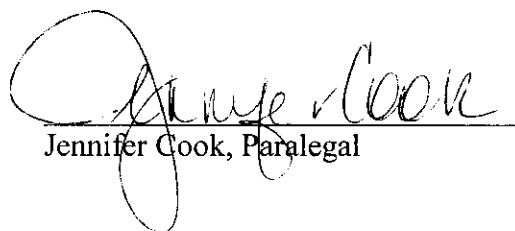
Steven M. Lehwald, Associate Litigation Counsel
Tammie L. Mundil, Deputy Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
Steven.M.Lehwald@ks.gov
Tammie.L.Mundil@ks.gov

Journal Entry

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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