


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

FILED

DEC 17 2009

KS State Board of Healing Arts 

In the Matter of)
Don Fishman, M.D.)
)
Applicant for Kansas License)
_____)

Docket No. 10-HA00067

JOURNAL ENTRY

NOW ON THIS 4th day of December, 2009, this matter comes on for hearing on Applicant's Application for a license to practice in Kansas. Applicant appears in person with counsel, Carol Ruth Bonebrake of the Law Office or Carol Ruth Bonebrake, P.A. Stacy Bond, Associate Litigation Counsel, appears for the Board. There are no other appearances.

Having the agency record before it and hearing the statements and arguments of parties and counsel, the Board finds, concludes and orders as follows:


1. Applicant has requested this matter be converted to a formal hearing.
2. There are disputed issues of material fact and a formal hearing is appropriate.
3. The Board appoints Michael Beezley, M.D., as presiding officer to conduct a formal hearing and enter an initial order in this case.
4. A Protective Order is hereby entered to protect the identity of patients and their records, and to protect all peer review and risk management documents, including reports of any clinical skills assessments. Records

that identify a patient, and records that include peer review and risk management committees' decision-making processes, conclusions or final decisions, shall not be disclosed to any third person except as authorized by this order or by further order of the Presiding Officer or the Board. To the extent practicable, patients shall be referred to in arguments, testimony and pleadings by the reference number listed in the Petition. Any presentation of evidence that includes peer review or risk management information covered by this protective order shall be in closed session, as prescribed by K.S.A. 65-4915(c). This protective order shall not prohibit a party from disclosing such information to a person who has been engaged as an expert witness, or from otherwise using this information in this case and in any subsequent appeals.

IT IS SO ORDERED.

Dated this 17th day of December, 2009.

Kansas State Board of Healing Arts



Kathleen Selzler Lippert
Interim Executive Director

Certificate of Service

I certify that a true copy of the foregoing Journal Entry was served this 17th day of December, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Don Fishman, MD
10340 S. Mansfield Ave., Unit 305
Oak Law, IL 60453

And

Carol Ruth Bonebrake
Law Office of Carol Ruth Bonebrake, P.A.
107 SW 6th, Suite 210
Topeka, KS 66603

And a copy was hand-delivered to the office of

Stacy Bond
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

and

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

And the original filed with the office of the Executive Director.

Patty Kostrelles

Patty Kostrelles
Admin Officer