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AUG 27 2007

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

KS State Board of Healing Arts

In the Matter of)
Timothy Gatschet, MD)
Kansas License No. 04-21741)
_____)

Docket No. 08-HA00012

FINAL ORDER

NOW ON THIS 18th day of August, 2007, comes before the Kansas State Board of Healing Arts ("Board") the Petitioner's Petition for Disciplinary Action. Respondent Timothy Gatschet appears in person and by counsel, Steve Schwarm of Polsinelli, Shalton, Welte & Suelthaus, P.C. Kelli J. Stevens, Litigation Counsel, appears for the Board.

Having the agency record before it, hearing the statements of counsel, and being duly advised in the premises, the Board finds, concludes and orders as follows:

1. On or about December 31, 1993, Licensee entered into a Stipulation and Agreement and Enforcement Order to voluntarily surrender his license to practice medicine and surgery.
2. Licensee's license was subsequently reinstated pursuant to a Stipulation and Agreement and Enforcement Order filed on July 8, 1998.
3. The stipulation filed on July 8, 1998, limits the scope of Licensee's license.
4. Licensee's license is limited to treating geriatric patients in a nursing home setting and the evaluation of patients for possible admission into a nursing home through Licensee's employment with Wichita Psychiatric Consultants, L.L.C. However, the Stipulation allows Licensee to petition the Board to change his employment and supervisor arrangement.

5. According to the 1998 Stipulation, Licensee is prohibited from providing treatment to any males under the age of eighteen (18) years.

6. According to the 1998 Stipulation, Licensee is allowed to provide basic medical evaluations for members of his immediate family. However, Licensee is prohibited from prescribing (**Confidential**) medication to any member of his family.

7. Licensee admits that on one occasion he renewed his (**Confidential**) prescription for (**Confidential**) which was originally prescribed by another physician.

8. Licensee also admits that on one occasion he treated his (**Confidential**) with antibiotics for an ear infection that occurred on a weekend.

9. The Board finds that (**Confidential**) is a psychotropic drug.

10. The Board further finds that Licensee violated the terms of his 1998 Stipulation by prescribing (**Confidential**) to his (**Confidential**)

11. The Board further finds that Licensee violated the terms of his 1998 Stipulation by treating his (**Confidential**) ear infection. The 1998 Stipulation prohibits the treatment of any males under the age of eighteen (18) years. While the Stipulation provided an exception for the basic medical evaluation of immediate family members, the Board finds that by *treating* his minor (**Confidential**) ear infection, Licensee exceeded the scope of the exception which only allows for the *evaluation* of immediate family members.

12. The Board finds that Licensee's employment with Wichita Psychiatric Consultants, L.L.C. was terminated as of June 22, 2007.

13. The Board further finds that Licensee has not requested a change in employment and supervision arrangement, but that Licensee has not practiced the healing arts since his employment with Wichita Psychiatric Consultants, L.L.C. was terminated.

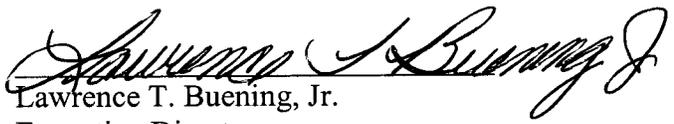
IT IS, THEREFORE, ORDERED that Licensee is hereby publicly censured for violating the terms of his Stipulation and Agreement and Enforcement Order filed on July 8, 1998.

IT IS FURTHER ORDERED that Mark McCune, M.D. has been appointed as the Board's designee to approve any future requests by Licensee for the approval of his employment and supervisory arrangement.

PLEASE TAKE FURTHER NOTICE that this is a final order. A final order is effective upon service. A party to an agency proceeding may seek judicial review of a final order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the final order. A copy of any petition for judicial review must be served upon the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this *21st* day of August, 2007.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I, the undersigned, hereby certify that a true copy of the foregoing Final Order was served this 28th day of August, 2007, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Timothy P. Gatschet, M.D.
2511 Victoria Rd
Victoria , KS 67671

and

Steve Schwarm
Polsinelli, Shalton, Welte & Suelthaus, P.C.
555 S. Kansas Avenue, Ste. #101
Topeka, Kansas 66603

and a copy was hand-delivered to the office of

Kelli J. Stevens
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

and the original was filed with the office of the Executive Director.

