

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

FILED 

MAY 19 2008

KS State Board of Healing Arts

In the Matter of )  
 )  
Roger W. Hood, M.D. )  
Kansas License No. 04-20021 )

Docket No.: 08-HA- 187

**EMERGENCY EX PARTE ORDER OF SUSPENSION**

NOW on this 19<sup>th</sup> day of May 2008, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. Kathleen Selzler Lippert, Associate Counsel filed a Motion for *Ex Parte* Emergency Order of Suspension. There are no other appearances.

The Presiding Officer has reviewed the agency file in Kansas Board of Healing Arts (KBHA) Docket No. 08-HA- 187. The Presiding Officer finds, concludes and orders as follows:

1. This is a motion for an order pursuant to K.S.A. 65-2838 and 77-536.  
Under those statutes, the Presiding Officer may issue an order without notice and hearing, and may temporarily limit or suspend a license if the Presiding Officer finds an imminent danger to the public health, safety, or welfare.
2. The Presiding Officer has received and reviewed a Petition for disciplinary action and Motion for an *Ex Parte* Order of Suspension with attached exhibits.

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*Ex Parte* Emergency Order of Suspension  
Roger W. Hood, M.D.  
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3. The Motion for Ex Parte Emergency Order of Suspension in the above captioned case alleges **(Confidential)** and that Licensee's continuation of unrestricted practice of the healing arts would constitute an immediate danger to the public health, safety, or welfare. .

**FINDINGS OF FACT**

4. Roger W. Hood, M.D.'s ("Licensee") last known mailing address to the Board is: 12200 W. 106<sup>th</sup> Street, 400, Overland Park, Kansas 66215.
5. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-20021 on approximately June 17, 1983. Licensee's license is currently in active status.
6. At all times relevant to the allegations set forth in the Petition, Licensee has held a current and active license to engage in the practice of medicine and surgery in the State of Kansas.
7. Licensee presently has an active and unrestricted license to practice medicine and surgery in the state of Kansas.
8. The Presiding Officer finds the following:
  - a. **(Confidential)**
  - b. **(Confidential)**

(Confidential)

c. (Confidential)

d. (Confidential)

e. Licensee is a surgeon and may have surgeries scheduled for  
Monday, May 19, 2008 or Wednesday, May 21, 2008.

9. (Confidential)

### CONCLUSIONS OF LAW

10. The Board has the authority to temporarily suspend Licensee's license to address an imminent threat to the health, welfare, and safety of the public.  
K.S.A. 65-2838(c)
11. The Board may temporarily suspend or temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings

under the Kansas Administrative Procedure Act (KAPA), if the Board determines that there is:

- a. Cause to believe that grounds exist under K.S.A. 65-2836 for disciplinary action against Licensee, and
- b. That Licensee's continuation in practice would constitute an imminent danger to the public health and safety, the Board may temporarily suspend or limit Licensee's license to practice.

12. Petitioner has filed a disciplinary petition in this matter alleging violations of the Kansas Healing Arts Act pursuant to K.S.A. 65-2836.

13. Pursuant to K.S.A. 65-2838(c), the Board has the authority to temporarily suspend Licensee's license to address an imminent threat to the health, safety or welfare of the public.

14. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, fine or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act .

15. Pursuant to K.S.A. 77-536, the Board may use emergency proceeding to protect the public from an immediate danger to the public health, safety or welfare.

16. The Presiding Officer finds that Licensee has violated **(Confidential)**  
**(Confidential)** which affects his ability to practice the  
Healing Arts with reasonable skill and safety **(Confidential)**  
**(Confidential)**

17. The Presiding Officer finds that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.

18. The Presiding Officer further concludes that Licensee's license to practice medicine and surgery should be immediately suspended until such time as an evidentiary hearing can be scheduled.

**IT IS THEREFORE, ORDERED** that the license of Roger W. Hood, M.D. is hereby immediately suspended.

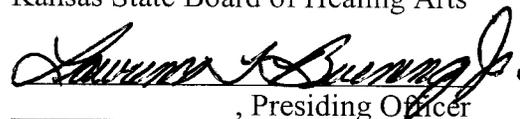
**IT IS FURTHER ORDERED** that board counsel shall serve this order in the manner provided by law, and shall complete and file a proof of service.

**PLEASE TAKE NOTICE** that a hearing on this matter will be scheduled as soon as practicable at the Board office, 235 S.W. Topeka Blvd., Topeka, Kansas. The issue to be determined is whether the emergency order of suspension should remain in place, be modified or terminated. A Notice of Hearing will be issued.

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

Dated this 19<sup>th</sup> day of May 2008.

Kansas State Board of Healing Arts

  
\_\_\_\_\_, Presiding Officer

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Prepared by:

  
Kathleen Selzler Lippert, #17957

Associate Counsel

Kansas Board of Healing Arts

235 South Topeka Blvd.

Topeka, Kansas 66603

(785) 296-0961

**CERTIFICATION OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the Ex Parte Emergency Order of Suspension by United States mail, postage prepaid, on this 19<sup>th</sup> day of May, 2008, to the following:

Roger W. Hood, M.D.

Licensee

12200 W. 106<sup>th</sup> Street 400

Overland Park, Kansas 66215

And a copy mailed to:

Carol Ruth Bonebrake, Esq.

107 SW 6<sup>th</sup>, Suite 210

Topeka, Kansas 66603

And the original was hand-filed with:

Lawrence T. Buening, Jr.

Executive Director

Kansas Board of Healing Arts

235 S. Topeka Boulevard

Topeka, Kansas 66603-3068

And a copy hand-delivered to:

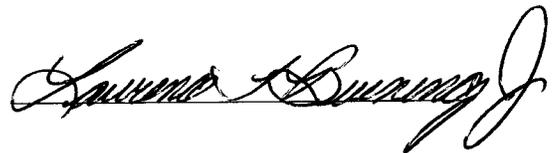
Kathleen Selzler Lippert, #17957

Associate Counsel

Kansas Board of Healing Arts

235 South Topeka Blvd.

Topeka, Kansas 66603



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