

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

FILED
JUL 24 2018
KS State Board of Healing Arts

In the Matter of)
BRIAN P. LAHEY, M.D.)
)
Kansas License No. 04-33861)
_____)

Docket No. 19-HA00005

EX PARTE EMERGENCY ORDER OF SUSPENSION

On July 24, 2018, this matter comes before the Board on Petitioner’s Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings.

Upon review of the agency record in KSBHA Docket No. 19-HA00005, including the Petition, Motions, and attached exhibits, the Presiding Officer finds, concludes and orders as follows:

1. On July 24, 2018, Petitioner filed a Petition alleging that Brian P. Lahey, M.D., (“Licensee”) committed violations of the Healing Arts Act and requesting disciplinary action against Licensee’s license.
2. Petitioner also filed a Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings (“Motion”). The Motion incorporated the allegations of the Petition by reference.
3. Based on the facts and documentary evidence as set forth in the Motion at paragraphs 1-3, 5-7, and 9-19, and Exhibits A and B of the Petition, each incorporated here by reference, the Board finds that there is cause to believe that grounds exist for disciplinary action, and an imminent danger to public health and safety exist, pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(c).

4. Without limitation of the above-referenced facts and exhibits, the basis for the above-referenced conclusions, pursuant to K.S.A. 77-536(c), include:

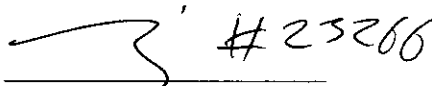
- a. Licensee [REDACTED] both [REDACTED] and [REDACTED] on twelve (12) separate occasions over period of eight months;
- b. During this time, Licensee was under a court order [REDACTED] [REDACTED] [REDACTED] pursuant to an order entered by the Johnson County District Court in case No. 17DV00295;
- c. Licensee was unable or unwilling to [REDACTED] [REDACTED] despite being ordered by a court [REDACTED], indicating [REDACTED] [REDACTED];
- d. The Motion states that there is evidence that Licensee continues his [REDACTED] in the work place.

5. The Board concludes that the “whole purpose and tenor of the healing arts act is the protection of the public against unprofessional, improper, unauthorized and unqualified practice of the healing arts.” *Ryser v. State*, 295 Kan. 452, 466 (2012). Further, the conclusions of law and policy contained and incorporated in the Motion, including but not limited to paragraph 12 of the Petition, incorporated here by reference, also justify the requested emergency suspension pursuant to K.S.A. 77-536(c).

IT IS THEREFORE, ORDERED that the license of Brian P. Lahey, M.D., is hereby emergently **SUSPENDED** on a temporary basis pending an evidentiary hearing to determine if there is adequate cause for the suspension to remain in effect during the proceedings on the underlying Petition.

IT IS SO ORDERED this 24th day of July, 2018.

Kansas State Board of Healing Arts

 #25266
Robin Durrett, D.O.
Presiding Officer

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Order was served this 24th day of July, 2018 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Brian P. Lahey, MD
7011 W. 121st Street, Suite 105
Overland Park, Kansas 66209
Licensee

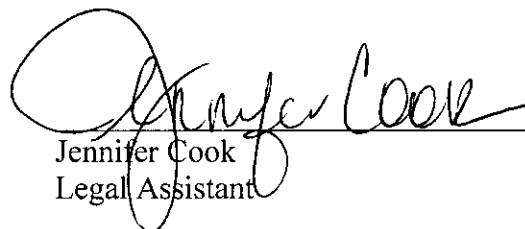
And copies were hand-delivered to:

J. Todd Hiatt, Associate Litigation Counsel
Susan R. Gering, Deputy Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Ste A
Topeka, KS 66612

And a copy was given to:

Robin Durrett, D.O.
KSBHA Presiding Officer
Kansas State Board of Healing Arts

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


Jennifer Cook
Legal Assistant