

**EFFECTIVE AS A FINAL ORDER**

**DATE:** 08/14/2018

FILED *BV*  
JUL 25 2018

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

KS State Board of Healing Arts

<b>In the Matter of</b>	)	
<b>BRIAN P. LAHEY, M.D.</b>	)	
	)	
<b>Kansas License No. 04-33861</b>	)	<b>Docket No. 19-HA00005</b>
_____	)	

**SUMMARY ORDER COMPELLING** [REDACTED]

On July 25th, 2018, this matter came before Presiding Officer Robin Durrett, D.O., Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-537 and K.S.A. 77-542, **this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within fifteen (15) days of service.** Pursuant to K.S.A. 77-537(a), based on review of the information and evidence submitted with the Motion for An Order [REDACTED] filed July 24, 2018 ("Motion"), including Exhibits A and B of the Petition incorporated therein, in addition to matters appropriately noticed pursuant to 77-524(f), the agency finds that the allegations necessary to support an order compelling [REDACTED] will be supported to the standard of proof described in K.S.A. 65-2842(a). More specifically, the following findings, conclusions, and orders are made on behalf of the Board:

**Basis in Agency Record for Findings and Conclusions**

The Board incorporates paragraphs Nos. 10-16 of the Motion, Exhibits A and B of the Petition, and paragraph No. 19 of the Motion for Ex Parte Emergency Order of Suspension, filed July 24, 2018, here, by reference.

Conclusions of Law

1. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

2. The Board may issue a summary order in a matter if the use of a summary order: (1) does not violate any provision of law; (2) the protection of the public interest does not require notice to non-parties; (3) based upon facts made known to the Board, beyond receipt of mere allegations, the Board believes in good faith that the allegations will be supported by the applicable standard of proof; and (4) the order does not take effect until after the time for requesting a hearing has expired. K.S.A. 65-537.

3. Here, based on the findings described above, the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require notice to non-parties, and this order will not take effect until after the time for requesting a hearing has expired. Finally, as described below, a good faith basis exists to support the conclusion that the allegations contained in the Motion will be supported by the applicable standard of proof.

4. [REDACTED] the standard of proof applicable to the Motion is reasonable suspicion. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5. [REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]

**LICENSEE IS THEREFORE ORDERED** [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

1. Be conducted by an entity designated by [REDACTED] or any other entity designated by the Board.
2. Include a review of all prior [REDACTED] related to Licensee's [REDACTED]
3. Be calculated to determine the present status [REDACTED] and to the extent if any, [REDACTED] Licensee's ability to practice the healing arts with reasonable skill and safety to patients.
4. Be calculated to determine the present status [REDACTED] and the extent to which, if any, [REDACTED] Licensee's ability to practice the healing arts with reasonable skill and safety to patients.
5. Be consistent with Board Policy [REDACTED]

The [REDACTED] must be started no later than ten (10) days after it is ordered [REDACTED]  
[REDACTED] its designee, or other entity designated by the Board. Licensee shall submit to the Board a  
[REDACTED]

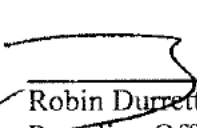
release of information authorizing the Board to obtain all report(s) of such [REDACTED]  
[REDACTED] directly [REDACTED] Licensee shall  
obtain and complete [REDACTED] and follow all recommendations contained therein,  
at his own expense. Upon completion, the [REDACTED] should be submitted to the Board or its  
designee further action. Licensee shall not leave or terminate any [REDACTED]  
unless or until it is completed and recommended [REDACTED]

**PLEASE TAKE NOTICE** that upon becoming effective as a Final Order, this document  
shall be deemed a public record to the extent permitted by law and be reported to any reporting  
entities authorized to receive such disclosure.

**Dated this 25th day of July, 2018.**

**IT IS SO ORDERED** this 25th day of July, 2018.

**Kansas State Board of Healing Arts**

*FD*  #23266  
Robin Durrett, D.O.  
Presiding Officer

**FINAL ORDER NOTICE OF RIGHTS**

**PLEASE TAKE 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 Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 14<sup>th</sup> day of Aug, 2018 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Brian P. Lahey, MD  
[REDACTED]  
Overland Park, KS 66209

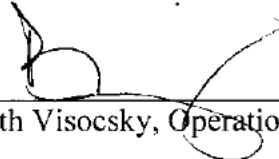
And a copy was hand-delivered to:

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

Licensing Administrator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Office of the General Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

  
\_\_\_\_\_  
Beth Visocsky, Operations Manager