

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

FILED  
OCT 31 2018 *BN*

KS State Board of Healing Arts

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

Docket No. 19-HA00005

**JOURNAL ENTRY ON HEARING ON EMERGENCY SUSPENSION**

An emergency hearing on whether the emergency suspension of Licensee's license would remain in effect commenced at 11:00 a.m. on October 3, 2018, at the offices of the Kansas Board of Healing Arts ("Board"). Presiding Officer Robin Durrett, D.O., presided at the hearing. Brian P. Lahey, M.D. (Licensee) appeared in person, pro se. Susan Gering and Todd Hiatt appeared as litigation counsel for the Board ("Litigation Counsel"). There were no other appearances. The hearing was transcribed by Appino & Biggs Reporting Service, Inc.

Licensee, being duly sworn, testified regarding the matters alleged in the Motion for Ex Parte Emergency Order of Suspension and for Emergency Proceedings ("Motion"). The Board offered testimony from several witnesses. Both parties offered evidentiary exhibits. By agreement, the evidentiary record was left open until Friday, October 5, 2018 to allow either party to submit additional exhibits. At the hearing, Litigation Counsel stated the intention to submit a copy of a [REDACTED] [REDACTED] a report with which Licensee indicated he was familiar. Licensee agreed to the admission of the report to the record. That report was received prior to October 5, 2018 and was admitted to the record per the prior agreement of the parties. All exhibits offered by the parties have been admitted and considered.

Both parties presented arguments on the Motion. Licensee presented arguments and statements in his own defense. The Presiding Officer permitted Licensee to provide all commentary and evidence he wished to submit and Licensee was not limited by the Presiding Officer in such presentation at the hearing.

After reviewing all evidence admitted at the hearing, including the testimony of Licensee at the hearing, and additionally based on review of the agency record, including the Petition, Motions, and exhibits incorporated therein, the Presiding Officer, on behalf of the Board, ordered that the emergency suspension would remain in place.

The Presiding Officer, on behalf of the Board, further finds and orders:

1. The evidence and testimony at the hearing provide additional support for the findings and conclusions made in the Ex Parte Emergency Order of Suspension (“Emergency Order”). The Board makes the findings and conclusions stated at paragraphs 1 through 5 of the Emergency Order, which are incorporated here by reference. These findings are based on the evidence admitted, including the testimony of Licensee at the hearing, and additionally based on review of the agency record, including the Petition, Motions, and exhibits incorporated therein. These findings are made in light of the policy considerations described in the Motion and the Board’s mission of public protection as mandated by the Kansas legislature.
2. Exhibit 8, the [REDACTED] which was received and admitted by agreement subsequent to the hearing, also provides additional support for the findings and conclusions made in the Emergency Order. Of note, this was a [REDACTED] concluded

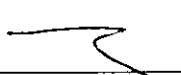
that Licensee is not currently fit to practice medicine with reasonable skill and safety.

3. Based on the facts, law, evidence, and policy described and incorporated above, there is adequate cause for the suspension to remain in effect during the pendency of the proceedings on the underlying Petition, and that such temporary suspension is necessary to protect against substantial threat to the public health, safety, and welfare.

**IT IS THEREFORE, ORDERED** that the license of Brian P. Lahey, M.D., remains **SUSPENDED** pending the resolution of the Petition.

**IT IS SO ORDERED** this 31st day of October, 2018.

Kansas State Board of Healing Arts

 #23266  
Fo- Robin Durrett, D.O.  
Presiding Officer

**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing Order was served this 31<sup>st</sup> day of October, 2018 by depositing the same in the United States Mail, first-class postage prepaid, and emailing, addressed to:

Brian P. Lahey, MD

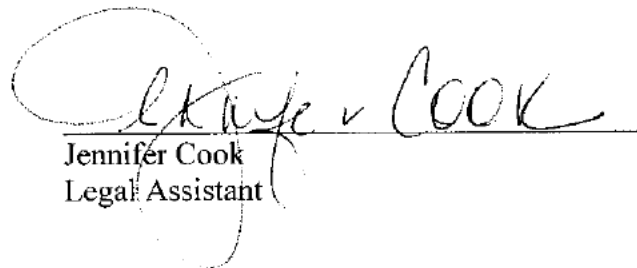
[REDACTED]  
Overland Park, Kansas 66209

*Licensee*  
[REDACTED]

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  
[Todd.Hiatt@ks.gov](mailto:Todd.Hiatt@ks.gov)  
[Susan.Gering@ks.gov](mailto:Susan.Gering@ks.gov)

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

  
Jennifer Cook  
Legal Assistant