

FILED

JUN 19 2020

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BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of

)

Docket No.: 19-HA00005

)

BRIAN P. LAHEY, M.D.

)

Kansas License No. 04-33861

)

FIRST AMENDED CONSENT ORDER

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through J. Todd Hiatt, Litigation Counsel, ("Petitioner"), and Brian P. Lahey, M.D. ("Licensee"), by and through his attorney, Diane Bellquist, and requests the Board approve the instant Consent Order affecting Licensee's license to practice medicine in Kansas. The Board and Licensee stipulate and agree to the following:

FACTUAL BASIS

1. Licensee's last known mailing address to the Board is:

CONFIDENTIAL

CONFIDENTIAL

2. Licensee is or has been entitled to practice medicine in the State of Kansas, having been issued License No. 04-33861 on approximately July 1, 2009. Licensee last renewed such license on or about July 3, 2018. Licensee's current license status is Indefinitely Suspended/ Canceled – Failed to Renew.

Consent Order

Brian P. Lahey, M.D.

Kansas License No. 04-33861

3. The Board is the sole exclusive administrative agency in the state of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.* and K.S.A. 65-2869.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and 65-2838. Upon approval, these stipulations shall constitute final the Board's Final Order.
5. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Licensee agrees that in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically

Consent Order
Brian P. Lahey, M.D.
Kansas License No. 04-33861

acknowledges that litigation counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

8. This Consent Order is the product of settlement negotiations and the Board has authority to enter into this agreement by way of approving the Consent Order under K.S.A. 77-505 and 65-2838.

9. The facts supporting this Consent Order are as follows:

a. On or about April 16, 2019, the board issued an order indefinitely suspending Licensee from the practice of medicine in Kansas. (See Exhibit A.)

CONFIDENTIAL

b.

c.

d. **CONFIDENTIAL** concluded that Licensee is fit to return to practice at this time, so long as the following recommendations are followed:

i. Licensee should maintain **CONFIDENTIAL** with the **CONFIDENTIAL**
CONFIDENTIAL

CONFIDENTIAL

ii.

iii. Licensee should maintain a workplace monitor to supervise his practice for a period of time to be determined by the Board. This monitor should send quarterly reports to CONFIDENTIAL

iv. Licensee should maintain impeccable professional boundaries at all time and refrain from any personal or social relationships with patients regardless of gender.

v. Licensee should agree to undergo polygraph examinations every 6 months for two years at CONFIDENTIAL .

vi. Licensee should practice at all times in full accordance with relevant federal, state, local, organization, and professional regulations, ethical guidelines, and best practices

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e. On or about April 29, 2020, Licensee filed a motion to terminate the suspension of his Kansas medical license and allow him to return to the practice of medicine.

REINSTATEMENT WITH LIMITATIONS

10. In lieu of conducting a formal proceeding and upon reinstatement of his medical license,

Licensee agrees to the following orders by the Board:

- a. License may engage in the practice of medicine as an employee in an institutional setting such as a fellowship program, hospital, mental health center, public or private psychiatric hospital, nursing facility for mental health, the VA medical system, department of corrections, or other entities of like character or kind subject to the limitations contained in this Consent Order.
- b. License may engage in the private practice of medicine in a group practice setting, but in addition to the limitations contained in this Consent Order License may not treat female patients under any circumstances in such a setting. Practicing solo, office sharing arrangements, or similar settings do not constitute a group practice setting.
- c. Licensee may not engage in the solo practice of medicine.
- d. Licensee will enter into a **CONFIDENTIAL** for a period of no less than five (5) years. **CONFIDENTIAL** may be extended for good cause by **CONFIDENTIAL** and may only be terminated upon the filing of a written motion by Licensee. Licensee must sign all necessary authorizations for a complete sharing of information between **CONFIDENTIAL** and the Board.
- e. **CONFIDENTIAL**

Consent Order

Brian P. Lahey, M.D.

Kansas License No. 04-33861

CONFIDENTIAL

f.

g. Licensee shall maintain a workplace monitor to supervise his practice for a period of two (2) years. This monitor shall send quarterly reports to ^{CONFIDENTI}
^{AL} as well as the Board's designated compliance coordinator.

h. Licensee shall maintain impeccable professional boundaries at all time and will not initiate or maintain any personal or social relationships with patients regardless of gender.

i. Licensee shall not treat any patients without having a chaperone present at all times. The chaperone shall be an adult and must be approved by the Board, or a designated Board staff member. Any proposed chaperone must speak with the Board or a designated board staff member and such approval shall not be unreasonably withheld.

i. For a period of five (5) years, the chaperone shall create and maintain a daily log identifying by a numbering system that can be correlated to the patient identity upon request by the Board or its staff all patients seen by Licensee that day and certifying the chaperone was present for all patients seen during that day. Such daily logs shall be submitted to the Board on a monthly basis and must be received by the Board on or before the 15th of the following month. Licensee is responsible for ensuring daily logs are submitted pursuant to this Consent Order.

Consent Order

Brian P. Lahey, M.D.

Kansas License No. 04-33861

j. Licensee shall undergo polygraph examinations every 6 months for two years facilitated through ^{CONFIDENTIAL}_L These are to begin 6 months from execution of this Consent Order and must include a minimum of four polygraph examinations over the course of two years. Licensee must sign all necessary authorizations for a complete sharing of information between ^{CONFIDENTIAL}_{TIAL} and the Board.

k.

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11. Licensee shall pay all costs associated with this action as set forth in the Consent Order filed by the Board on or about April 16, 2019

12. Licensee shall pay all fees and costs associated with this action, including but not limited to

CONFIDENTIAL

CONFIDENTIAL

13. Except as otherwise provided, the above ^{CONFIDENTIAL}_{AI} provisions are not self-terminating. After a period of five (5) years, Licensee may request modification or termination of the provisions contained herein. For any period of time Licensee is not actively practicing medicine in Kansas, the ^{CONFIDENTIAL}_{AL} provisions and limitations will remain in effect but will be tolled and not counted towards the five (5) year timeframe.

MISCELLANEOUS PROVISIONS

14. A protective order is hereby entered to protect all confidential information under **CONFIDENTIAL** **CO** **NFI**, K.S.A. **CONFIDENTIAL** **L** and K.S.A. 65-4925.
15. According to K.S.A. 65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
16. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice medicine in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*
17. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not

covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

18. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees," from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.
19. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of this Consent Order.
20. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.
21. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the

Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

22. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

23. Licensee acknowledges he has read this Consent Order and fully understands the contents.

24. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.

25. All correspondence or communication between Licensee and the Board relating to the provisions of this Consent Order shall be sent by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 800 SW Jackson, Lower Level – Suite A, Topeka Kansas 66612, KSBHA_compliancecoordinator@ks.gov.

26. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

27. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Final Order when filed with the office of the Executive Director for the Board and no further Order is required.

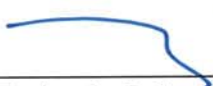
28. This Consent Order constitutes **public disciplinary action**.

29. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 19th day of June, 2020.

**FOR THE KANSAS STATE BOARD OF
HEALING ARTS:**



Tucker L. Poling
Acting Executive Director

6/19/20

Date

Consent Order
Brian P. Lahey, M.D.
Kansas License No. 04-33861

LICENSEE:



Brian P. Lahey, M.D.
Licensee

6.14.2020

Date

PREPARED AND APPROVED BY:



J. Todd Hiatt, #22150
Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
785-296-837 (telephone)
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todd.hiatt@ks.gov
Attorney for Petitioner

REVIEWED BY:



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Joseph Hollander & Craft, LLC
1508 SW Topeka Boulevard
Topeka, Kansas 66612
785-234-3272 (telephone)
785 234-3610 (fax)
dbellquist@josephhollander.com

Consent Order

Brian P. Lahey, M.D.
Kansas License No. 04-33861

Attorney for Licensee

Consent Order
Brian P. Lahey, M.D.
Kansas License No. 04-33861

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing **Consent Order** was served this

19th day of June, 2020, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Diane L. Bellquist, #20969
Joseph Hollander & Craft, LLC
1508 SW Topeka Boulevard
Topeka, Kansas 66612
785-234-3272 (telephone)
785 234-3610 (fax)
dbellquist@josephhollander.com
Attorney for Licensee

Brian P. Lahey, M.D.
Licensee

CONFIDENTIAL

With a copy hand-delivered to:

J. Todd Hiatt, Litigation Counsel
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

Compliance Coordinator
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:

Consent Order
Brian P. Lahey, M.D.
Kansas License No. 04-33861

Tucker L. Poling, Acting Executive Director
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Suite A
Topeka, Kansas 66612


Staff signature

Consent Order
Brian P. Lahey, M.D.
Kansas License No. 04-33861

FILED
APR 16 2019

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

KS State Board of Healing Arts

In the Matter of

BRIAN P. LAHEY, M.D.
Kansas License No. 04-33861

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)
Docket No.: 19-HA00005

CONSENT ORDER

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through J. Todd Hiatt, Associate Litigation Counsel, and M. Katie Baylie, Associate Litigation Counsel ("Petitioner"), and Brian P. Lahey, M.D. ("Licensee"), by and through counsel Nancy Crawford of Crawford Law Firm, LLC, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine in Kansas. The Board and Licensee stipulate and agree to the following:

FACTUAL BASIS

1. Licensee's last known mailing address to the Board is: **CONFIDENTIAL**
CONFIDENTIAL
2. Licensee is or has been entitled to practice medicine in the State of Kansas, having been issued License No. 04-33861 on approximately July 1, 2009. Licensee last renewed such license on or about July 3, 2018. Licensee's current license status is Emergently Suspended.
3. The Board is the sole exclusive administrative agency in the state of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 *et seq.* and K.S.A. 65-2869.

Consent Order
Brian P. Lahey, M.D.
Kansas License No. 04-33861



4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and 65-2838. Upon approval, these stipulations shall constitute final the Board's Final Order.
5. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Licensee agrees that in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
8. The Board has received information and investigated the same, and has reason to believe that there may be grounds under K.S.A. ^{CONFIDENTIAL}AL; K.S.A. 65-2836(g); K.S.A. 65-2836(k); ^{CONFIDENTIAL}; and K.S.A. 65-2836(b), as further defined by: K.S.A. 65-2837(a)(3); K.S.A. 65-2837(b)(12); K.S.A. 65-2837(b)(16); and K.S.A. 65-2837(b)(33), to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*
9. The facts supporting the allegations in this Consent Order are as follows:

Consent Order
Brian P. Lahey, M.D.
Kansas License No. 04-33861

a. This Consent Order incorporates herein by reference the facts as stated in the First Amended Petition that was filed on or about January 8, 2019. (Agency Record, First Amended Petition, *In the Matter of Brian P. Lahey, M.D.*, KSBHA Docket No. 19-HA00005.) The First Amended Petition was mailed to Licensee at his last known address, and to his counsel of record, on or about January 8, 2019.

b. Generally, the Petition in *In the Matter of Brian P. Lahey, M.D.*, KSBHA Docket No. 19-HA00005 contains allegations Licensee practiced medicine

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had an inappropriate

intimate relationship with a patient; entered into inappropriate financial obligations

with a patient; continued to treat patients after his license was emergently suspended;

and generally failed to set appropriate boundaries with his patients.

CONFIDENTIAL

10.

11. By entering into this agreement, Licensee agrees not to contest the averions set forth in the First Amended Petition identified above.

VIOLATIONS OF THE HEALING ARTS ACT

12. Based on the above and foregoing, Licensee violated the Kansas Healing Arts Act as follows:

a.

CONFIDENTIAL

b.

CONFIDENTIAL

while actively

- c. _____ engaged in the practice of healing arts and his failure to inform his patients of ^{CONF}_{IDEN} ^{CONFIDENTIAL} at the time Licensee was providing medical treatment and/or services combine to form an act or acts of omission likely to deceive, defraud or harm the public in contravention of K.S.A. 65-2837(b)(12).

CONFIDENTIAL

d.

his sexual relationship with Patient 1 constitutes unprofessional and/or dishonorable conduct not otherwise defined.

- e. K.S.A. 65-2836(b), in that Licensee committed an act or acts of unprofessional or dishonorable conduct by committing an act or acts of sexual abuse, misconduct or other improper sexual contact, which exploited the licensee-patient relationship, with a patient in contravention of K.S.A. 65-2837(b)(16).
- f. K.S.A. 65-2836(b), in that a licensee committed an act of unprofessional or dishonorable conduct that violated a patient's trust and exploited the licensee-patient relationship for personal gain in contravention of K.S.A. 65-2837(b)(33).
- g. K.S.A. 65-2836(k), in that Licensee continued to practice medicine on or after July 27, 2018, in violation of the Board's July 24, 2018, order suspending his license to practice medicine in Kansas.
- h. K.S.A. 65-2836(g), in that between July 24, 2018 and July 31, 2018, Licensee practiced medicine while his medical license was suspended.

- i. K.S.A. 65-2836(b), in that Licensee provided medical services, treatment and/or back-dated prescriptions to patients all while knowing that his license to practice medicine was suspended and that this constitutes conduct likely to deceive, defraud or harm the public in contravention of K.S.A. 65-2837(b)(12).
13. Under K.S.A. 65-2836 *et seq.*, the Board has grounds to revoke, suspend, censure, placed on probation or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.
14. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act as described above. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

SANCTIONS

15. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby agrees to an indefinite suspension of his license to practice medicine in the State of Kansas.
16. Licensee acknowledges and agrees that an application or motion for reinstatement of his license will be considered in accordance with all applicable statutes, law, rules, and regulations regarding qualifications for licensure and reinstatement. Further, Licensee acknowledges and agrees that an application or motion for reinstatement of his license will be governed by *Vakas v. the Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991).

17. Licensee shall be required to pay all fees required for reinstatement as well as costs associated with this action should he seek reinstatement of his license.
18. Licensee agrees that in the event he applies or files a motion for reinstatement of his license, the allegations contained in this Consent Order, whether explicitly set forth or adopted by reference, will be considered the Board.
19. Licensee shall place his patients' records in the custody of another licensed doctor of medicine and surgery, a licensed doctor of osteopathic medicine, or a records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board in writing on or before May 30, 2019, of the specific measure taken and the appropriate contact information of the designated record custodian so that the Board can respond to questions from patients about the location of their medical records, and how they can obtain them.
20. Licensee acknowledges that pursuant to K.S.A. 65-2867, it shall be unlawful for Licensee to open or maintain an office for the practice of the healing arts, or to announce or hold out to the public the intention, authority, or skill to practice the healing arts in the state of Kansas.

MISCELLANEOUS PROVISIONS

21. A protective order is hereby entered to protect all confidential information under **CONFIDENTIAL** and K.S.A. 65-4925.
22. According to K.S.A. 65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
23. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this

Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice medicine in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

24. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

25. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees," from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to

prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.


26. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of this Consent Order.
27. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.
28. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.
29. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.
30. Licensee acknowledges he has read this Consent Order and fully understands the contents.
31. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.

32. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.
33. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Final Order when filed with the office of the Executive Director for the Board and no further Order is required.
34. This Consent Order constitutes **public disciplinary action**.
35. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 16 day of April, 2019.

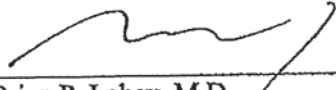
**FOR THE KANSAS STATE BOARD OF
HEALING ARTS:**


Kathleen Seizler Lippert
Executive Director

4/16/19
Date

Consent Order
Brian P. Lahey, M.D.
Kansas License No. 04-33861

LICENSEE:

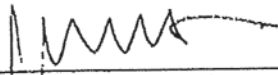


Brian P. Lahey, M.D.
Licensee

4.4.19

Date

PREPARED AND APPROVED BY:



J. Todd Hiatt, #22150
Associate Litigation Counsel
M. Katie Baylie, #27910
Associate Litigation Counsel
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katie.baylie@ks.gov
Attorneys for Petitioner

REVIEWED BY:



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crawford.nancyj@gmail.com
Attorney for Licensee

Consent Order
Brian P. Lahey, M.D.
Kansas License No. 04-33861

