

DEC 16 2010

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

KS State Board of Healing Arts

In the Matter of)
Jerald W. Leisy, M.D.)
License No. 04-14574)
_____)

Docket No. 09-HA00001

FINAL ORDER
(Pursuant to K.S.A. 77-501 et seq.)

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“Board”) by K.S.A. 65-2801 et seq. and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 et seq., the Board hereby enters this Final Order in the above-captioned matter. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

I. Findings of Fact

The Board has been shown the following facts:

1. Jerald W. Leisy, M.D. (“Licensee”), 3310 E Douglas, Wichita, KS, 67208, is licensed to practice medicine and surgery in the State of Kansas, License No. 04-14574, and has been so licensed since July 1, 1970.
2. On or about October 14, 2008, Licensee entered into a Consent Order with the Board in lieu of formal disciplinary proceedings. The Consent Order was entered into between Licensee and the Board to resolve allegations that Licensee violated the Kansas Healing Arts Act by committing acts which constitute ordinary negligence, professional incompetency and/or unprofessional conduct.
3. Pursuant to the terms of the Consent Order, Licensee’s license was placed on probation for a period of not less than two (2) years. Under the terms and

conditions of such probation, Licensee was required to do the following: (1) Attend the continuing education program “Intensive Course in Controlled Substance Management,” conducted by Case Western Reserve University School of Medicine, at his own expense, and provide proof of successful completion to the Board; and (2) follow the “Guidelines for the Use of Controlled Substances for the Treatment of Pain” approved by the Board on October 17, 1998.

4. The probation placed on Licensee’s license is not self-terminating.
5. On or about December 19, 2008, Licensee submitted proof of completion of the continuing education program to the Board as specified by the Consent Order.
6. On October 29, 2010, Licensee submitted a request for termination of the probation.

II. Applicable Law

- a. K.S.A. 77-501 et seq. – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801 et seq. – Kansas Healing Arts Act
- c. K.S.A. 65-2836 – Revocation, Suspension, Limitation or Denial of Licenses; Censure of Licensee
- d. K.S.A. 65-2837 – Professional Incompetency, Unprofessional Conduct; Definitions
- e. K.S.A. 65-2838 – Stipulations

III. Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly

protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #6, the Applicable Law and the Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

7. On or about October 14, 2008, Licensee entered into a Consent Order with the Board in lieu of formal disciplinary proceedings. The Consent Order was entered into between Licensee and the Board to resolve allegations that Licensee violated the Kansas Healing Arts Act by committing acts which constitute ordinary negligence, professional incompetency and/or unprofessional conduct.
8. Pursuant to the terms of the Consent Order, Licensee's license was placed on probation for a period of not less than two (2) years. Under the terms and conditions of such probation, Licensee was required to do the following: (1) Attend the continuing education program "Intensive Course in Controlled Substance Management," conducted by Case Western Reserve University School of Medicine, at his own expense, and provide proof of successful completion to the Board; and (2) follow the "Guidelines for the Use of Controlled Substances for the Treatment of Pain" approved by the Board on October 17, 1998.
9. The probation placed on Licensee's license is not self-terminating.

10. On or about December 19, 2008, Licensee submitted proof of completion of the continuing education program to the Board as specified by the Consent Order.

11. On October 29, 2010, Licensee submitted a request for termination of the probation.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:

12. The probation placed upon Licensee's license is hereby **TERMINATED**.

13. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 15 DAY OF Dec, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

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, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 16th day of December, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Jerald W. Leisy, M.D.
3310 E Douglas
Wichita, KS, 67208

And a copy was hand delivered to the office of:

Kelli J. Stevens, Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
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Melissa Massey, Compliance Coordinator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603



Cathy Brown
Executive Assistant