

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED ^{MS}

AUG 21 2014

KS State Board of Healing Arts

In the Matter of)
)
Kristian Eric Lewis, M.D.,)
)
Kansas License No. 04-29921)
_____)

KSBHA Docket No. 15-HA00026

EX PARTE EMERGENCY ORDER OF SUSPENSION

NOW on this 21st day of August, 2014, comes before the Presiding Officer, John F. Settich, Ph.D., Petitioner's Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings filed by Petitioner, Board of Healing Arts through Anne Barker Hall, Associate Litigation Counsel, and Seth Brackman, Associate Litigation Counsel. There are no other appearances.

Upon review of the agency record in KSBHA Docket No. 15-HA00026, including the Petition, Motions and attached exhibits, the Presiding Officer finds, concludes and orders as follows:

1. On August 19, 2014, Petitioner filed a Petition alleging that Kristian Eric Lewis, 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 pursuant to K.S.A. 65-2838 and K.S.A. 77-536. The Motion requests a temporary suspension of Licensee's license based on an allegation that Licensee's continuation in practice creates an immediate danger to the public health, safety and welfare. In support of the Motion, Petitioner offers Exhibits 1, 2 and 4, attached thereto.

3. Licensee is presently licensed and entitled to engage in the active practice of medicine and surgery. Licensee's license is currently designated as "federally active," pursuant to K.S.A. 65-2809(h)(1), which permits Licensee to practice "solely in the course of employment or active duty in the United States Government or any of its departments, bureaus or agencies." Under a federally active license designation, a licensee may practice outside the State of Kansas as long as such practice is within the scope of federal employment.

4. According to Licensee's last application for renewal of his license in June of 2014, his mailing address is in Prescott, Arizona.

5. The Petition and Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings allege that Licensee ^{Confidential}

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which renders Licensee unable to practice medicine and surgery with reasonable skill and safety to patients.

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7. There is cause to believe that grounds exist for disciplinary action against Licensee's license pursuant to K.S.A. 65-2836(i) in that Licensee has the inability to practice the healing arts with reasonable skill and safety to patients by reason of physical or mental illness, or condition or use of alcohol, drugs or controlled substances.

8. While Licensee's current practice activities are unknown, Licensee's current impairment creates an imminent threat to the public health and safety because Licensee is permitted to practice medicine and surgery at any time by virtue of his federally active license.

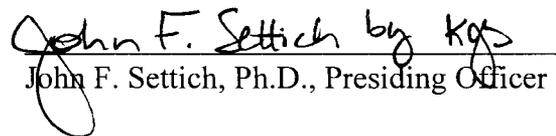
9. K.S.A. 65-2838(c) and K.S.A. 77-536 authorize the Board to temporarily suspend a licensee's license in order to address an imminent threat to the health, safety or welfare of the public.

10. Licensee's license should be 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 THEREFORE ORDERED that Licensee's license to practice medicine and surgery 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 21st day of August, 2014.

Kansas State Board of Healing Arts


John F. Settich, Ph.D., Presiding Officer

NOTICE OF RIGHTS

This is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court as authorized by K.S.A. 77-601 *et seq.* A petition for judicial review is not timely unless filed within 30 days following service of an order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level- Suite A, Topeka, Kansas 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the *Ex Parte* **Emergency Order of Suspension** by U.S. mail, postage prepaid, on this the 21st day of August, 2014, to the following:

Kristian Eric Lewis, M.D.

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Prescott, Arizona 86303

Anne Barker Hall, Associate Litigation Counsel

Seth Brackman, Associate Litigation Counsel

Kansas State Board of Healing Arts

800 SW Jackson, Lower Level, Suite A

Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator

Kansas 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.



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KQS

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KS State Board of Healing Arts

KSBHA Docket No. 15-HA00026

PROTECTIVE ORDER

NOW on this 21st day of August, 2014, Presiding Officer, John F. Settich, Ph.D., hereby issues this Protective Order over:

a. Licensee's health information and records contained in the agency record that are privileged and confidential under federal and state law.

b. All records and information contained in the agency record that are privileged and confidential pursuant to 42 CFR Part II, K.S.A. 65-2836(i), K.S.A. 65-4915 and K.S.A. 65-4925

Information and records covered by this Protective Order shall be presented in a closed portion of any administrative hearing. This Protective Order shall not prohibit the parties from further investigation, discovery or disclosure of such information and records to witnesses, evaluators, treatment providers related to this proceeding.

IT IS SO ORDERED this 21st day of August, 2014.

Kansas State Board of Healing Arts

John F. Settich by *KQS*
John F. Settich, Ph.D., Presiding Officer

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing **PROTECTIVE ORDER** by U.S. mail, postage prepaid, on this the 21st day of August, 2014, to the following:

Kristian Eric Lewis, M.D.
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Prescott, Arizona 86303

Anne Barker Hall, Associate Litigation Counsel
Seth Brackman, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level, Suite A
Topeka, Kansas 66612

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