

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

APR 12 2011

KS State Board of Healing Arts

In the Matter of

KRIS LEWONOWSKI, M.D.
Kansas License No. 04-25805

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Docket No.: 11-HA00078

EX PARTE EMERGENCY ORDER OF SUSPENSION

NOW on this 17th day of April, 2011, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. On April 11, 2011, Associate Litigation Counsel Lori D. Dougherty (“Petitioner”) filed a Motion for *Ex Parte* Emergency Order of Suspension and Emergency Proceedings. There are no other appearances.

The Presiding Officer has reviewed the agency file in Kansas Board of Healing Arts Docket No. 11-HA00078. The Presiding Officer finds, concludes and orders as follows:

1. This is a motion for an order pursuant to K.S.A. 65-2838 and 77-536. Under those statutes, the Presiding Officer may issue an order without notice and hearing, and may temporarily limit or suspend a license if the Presiding Officer finds an imminent danger to the public health, safety, or welfare.
2. The Presiding Officer has received and reviewed a Motion for an *Ex Parte* Order suspending Licensee license filed with KBHA on April 11, 2011. The motion requests an emergency suspension of Licensee’s license.
3. The motion for an emergency order in the above captioned case alleges that Kris Lewonowski, M.D. (“Licensee”) is in violation of the Kansas Healing Arts Act:
 - a. confidential
 - b. K.S.A. 65-2836(b), further defined by K.S.A. 65-2837(b)(12), in that he committed conduct likely to deceive, defraud or harm the public in violation of the Kansas Healing Arts Act.
 - c. K.S.A. 65-2836(s) in that he has been sanctioned or disciplinary actions has been taken against the licensee by a peer review committee, health care

facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under the Kansas Healing Arts Act.

4. The motion for an emergency order in the above captioned case incorporates the Petition filed in KSBHA Docket number 11-HA00078 and includes Exhibits A and B, which include an affidavit from Tess Levin, Director of Surgical Services for Via Christi-St. Francis, and an April 8, 2011 letter from Via Christi Hospitals to Licensee, suspending his orthopedic clinical privileges.

FINDINGS OF FACT

5. Kris Lewonowski, M.D.'s last known mailing address to the Board is: 7550 West Village Circle, Suite 1, Wichita, KS 67205.
6. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-25805 on approximately August 12, 1995, and having last renewed such license on approximately June 7, 2010.
7. At all times relevant to the allegations set forth in the Motion, Licensee has held a current and active license to engage in the practice of medicine and surgery in the State of Kansas.
8. Licensee presently has an active and unrestricted license to practice medicine and surgery in the state of Kansas.
9. The Presiding Officer finds that Licensee is an imminent danger to the public health, safety, or welfare.

confidential

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CONCLUSIONS OF LAW

10. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, fine or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.
11. Pursuant to K.S.A. 65-2838(c), the Board has the authority to temporarily suspend Licensee's license if there is cause to believe that grounds exist under K.S.A. 65-2836 and amendments thereto for disciplinary action authorized by K.S.A. 65-2836 and amendments thereto against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.

12. Pursuant to K.S.A. 77-536, the Board may use emergency proceeding to protect the public from an immediate danger to the public health, safety or welfare.
13. The Presiding Officer finds there is cause to believe that Licensee has violated confidential
confidential

14. The Presiding Officer finds there is cause to believe that Licensee has violated K.S.A. 65-2836(b), further defined by K.S.A. 65-2837(b)(12), Licensee committed conduct likely to deceive, defraud or harm the public in violation of the Kansas Healing Arts Act.
15. The Presiding Officer finds that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.
16. The Presiding Officer further concludes that Licensee's license to practice of medicine and surgery should be immediately suspended until such time as an evidentiary hearing can be scheduled.

IT IS THEREFORE, ORDERED that the license of KRIS LEWONOWSKI, M.D., is hereby immediately suspended.

IT IS FURTHER ORDERED that board counsel shall serve this order in the manner provided by law, and shall complete and file a proof of service.

IT IS FURTHER ORDERED that a Protective Order is granted to protect all confidential information under confidential K.S.A. 65-4915, confidential 65-2839a(d), and K.S.A. 65-2898a.

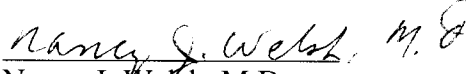
PLEASE TAKE NOTICE that a hearing on this matter will be scheduled as soon as practicable at the Board office, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612. The issue to be determined is whether the emergency order of suspension should remain in place, be modified or terminated. A Notice of Hearing will be issued.

PLEASE TAKE NOTICE that 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 the order. A

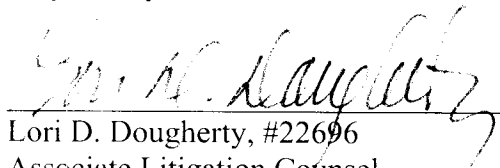
copy of any petition for judicial review must be served upon Board's Executive Director at 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

Dated this 12th day of April 2011.

Kansas State Board of Healing Arts


Nancy J. Welsh, M.D.
Presiding Officer

Prepared by:


Lori D. Dougherty, #22696
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson
Lower Level-Suite A
Topeka, Kansas 66612
(785) 368-8212

CERTIFICATE OF SERVICE

I, Jennifer Nail, hereby certify that I served a true and correct copy of the Ex Parte Emergency Order of Suspension and Emergency Proceedings by United States mail, postage prepaid, on this 13th day of April, 2011, to the following:

Kris Lewonowski, M.D.
Licensee
7550 West Village Circle, Suite 1
Wichita, KS 67205

Via certified mail: 1009168000045399920

Kris Lewonowski, M.D.
Licensee
confidential
Wichita, KS 67206

Via certified mail: 7009168000045399937

And a copy was hand-delivered to:

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

And a copy was given to:

Nancy J. Welsh, M.D.
Presiding Officer
Kansas State Board of Healing Arts
Through Kelli J. Stevens, General Counsel

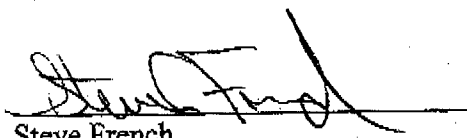
And the original was hand-filed with:

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

Jennifer K. Nail

CERTIFICATE OF PERSONAL SERVICE

I, Steve French, Special Investigator for the Kansas State Board of Healing Arts, hereby certify that I served the following: **PETITION; PETITIONER'S MOTION FOR *EX PARTE* EMERGENCY ORDER OF SUSPENSION; ORDER APPOINTING PRESIDING OFFICER TO ISSUE AN ORDER ON PETITIONER'S MOTION FOR *EX PARTE* EMERGENCY ORDER OF TEMPORARY SUSPENSION; PETITIONER'S PETITION FOR AN ORDER** confidential
confidential ***EX PARTE* EMERGENCY ORDER OF TEMPORARY SUSPENSION, *EX PARTE* EMERGENCY ORDER** confidential) for Docket No. 11-HA00078 via personal service on this 27 day of April, 2011, to Kris Lewonowski, M.D. at 8208 E. Bridlewood, Wichita, KS 67206. at 4:30 p.m.



Steve French
Special Investigator II