

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED 
FEB 24 2014

KS State Board of Healing Arts

In the Matter of)
Zizhuang Li, M.D.)
)
Kansas License No. 04-33013)
_____)

KSBHA Docket No. 14-HA00079

FINAL ORDER REVOKING LICENSURE

NOW on this 14th day of February 2014, comes on for conference hearing before the Kansas State Board of Healing Arts (“Board”) the Petition for discipline filed against the medical license of Zizhuang Li, M.D. (“Licensee”). Seth Brackman, Associate Litigation Counsel, appears on behalf of the Petitioner. Licensee appears in person and pro se via teleconference.

Pursuant to the authority granted to 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. After reviewing the agency record and the documentary evidence admitted; hearing the testimony of Licensee and the arguments of the parties; and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions and order:

1. Licensee is licensed to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-33013 on or about April 28, 2008. Licensee’s medical license is presently designated as “exempt.”

2. On September 27, 2012, after a formal hearing, the Mississippi State Board of Medical Licensure (“Mississippi Board”) ordered that Licensee’s Mississippi medical license be suspended for a period of twelve (12) months based on findings of improper prescribing practices and failure to follow the Mississippi Board’s guidelines on the prescribing of medications.

3. On September 28, 2012, Licensee voluntarily surrendered his Drug Enforcement Administration (“DEA”) Certificate of Registration. On or about November 21, 2013, Licensee’s application for reinstatement of his DEA registration was denied.

4. On October 8, 2012, the Louisiana State Board of Medical Examiners (“Louisiana Board”) issued a Summary Suspension of Licensee’s Louisiana medical license. On March 18, 2013, Licensee surrendered his Louisiana license while under investigation.

5. On October 7, 2013, the Alabama State Board of Medical Examiners (“Alabama Board”) revoked Licensee’s license to practice medicine in that State.

6. On December 27, 2013, Associate Litigation Counsel filed a Petition against Licensee’s medical license alleging that the suspension, surrender and revocation of Licensee’s licenses to practice medicine in Mississippi, Louisiana, and Alabama were violations of K.S.A. 65-2836(j). Additionally, Associate Litigation Counsel alleged that Licensee violated K.S.A. 65-2836(u) when he voluntarily surrendered his DEA registration.

7. Associate Litigation Counsel also alleged that Licensee violated K.S.A. 65-2836(t) and K.S.A. 65-2836(v) by failing to notify the Board of the disciplinary actions taken by Mississippi, Louisiana, and Alabama against his licenses to practice medicine in those states and by failing to notify the Board when Licensee surrendered his license to practice medicine in Louisiana.

8. As evidence of mitigation, Licensee offered evidence of his completion of several continuing education courses to include PBI Prescribing Course: Opioids, Pain Management and Addictions, PBI Medical Record Keeping Course and Medical Ethics and Professionalism Course.

9. As further mitigating evidence, Licensee asserted that because the Mississippi Board had restored his license to a full active status without restrictions, he has been rehabilitated. Licensee further states that he surrendered his Louisiana license because he did not intend to practice in Louisiana. Furthermore, Licensee states that he was unaware of the Alabama action until notified by Associate Litigation Counsel.

10. As additional mitigating evidence, Licensee asserted that he surrendered his DEA license because he did not want the trouble of prescribing “heavy controlled substances.”

11. The Board finds that there are grounds to take disciplinary action against Licensee’s license for violations of K.S.A. 65-2836(j) and K.S.A. 65-2836(u), due to disciplinary action being taken against Licensee’s medical license in Mississippi, Louisiana, and Alabama, for acts or conduct which would constitute grounds for disciplinary action in Kansas.

12. The Board finds that there was insufficient evidence presented at the Conference Hearing to take disciplinary action against Licensee’s license for violations of K.S.A. 65-2836(t) and K.S.A. 65-2836(v).

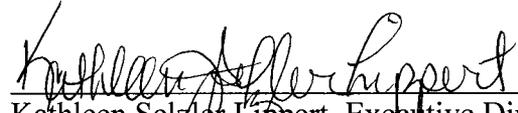
13. The Board concludes that Licensee has violated K.S.A. 65-2836(j) and K.S.A. 65-2836(u) in that his Mississippi medical license was suspended, his Louisiana medical license was summarily suspended and his Alabama medical license was revoked, and that Licensee surrendered his Louisiana medical license while under investigation.

14. The Board concludes that Licensee has failed to present evidence sufficient to mitigate the presumed sanction of revocation as provided for in the agency’s “Guidelines for the Imposition of Disciplinary Actions.”

15. The Board concludes that the appropriate sanction for Licensee’s violation of the Healing Arts Act is revocation of licensure.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's license to practice medicine and surgery in Kansas is hereby **REVOKED.**

IT IS SO ORDERED THIS 24 DAY OF Feb, 2014, 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, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **Final Order Revoking Licensure** was served this 24th day of February, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Zizhuang Li, M.D.
Confidential
Leawood, KS 66224

And a copy was hand-delivered to:

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 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.



Cathy Brown
Executive Assistant