

FILED

JAN 28 2004

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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
Anthony D. Luna, M.D.)
Kansas License No. 4-20309)
_____)

Docket No. 04-HA-41

AGREED ORDER

THIS MATTER comes on for consideration by the Presiding Officer, Mark A. McCune, M.D. of Petitioner's motion for an order to temporarily suspend Licensee's license and for emergency proceedings. Respondent Anthony D. Luna, M.D. appears by and through Robert A. Fox, of the firm Foulston, Siefkin, LLP. Petitioner appears by and through Shelly R. Wakeman, Disciplinary Counsel.

Having reviewed the file and being familiar with the statements of counsel and being duly informed in the premises, the Presiding Officer finds as follows:

1. On January 15, 2004 Petitioner filed a Petition alleging violations of the Healing Arts Act. **(Confidential)**
(Confidential)

2. On January 15, 2004 Petitioner also filed a motion requesting an order for a temporary suspension of Licensee's license and for emergency proceedings pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(a)(1).

3. On January 20, 2004 a hearing was conducted with the parties, but no findings of

fact or conclusions of law were made. The matter was continued *sua sponte* **(Confidential)**
(Confidential)

4. The parties have now agreed that in lieu of concluding the emergency hearing,
Licensee's license will be temporarily suspended **(Confidential)**
(Confidential)

5. Licensee's license will remain temporarily suspended until **(Confidential)**
(Confidential)

Licensee poses no threat to the public health, welfare and safety and is safe to practice medicine
and surgery with reasonable skill and safety.

6. **(Confidential)**
(Confidential)

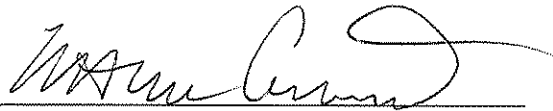
7. **(Confidential)**
(Confidential)

8. This Agreed Order only resolves Petitioner's motion for an order temporarily

suspending license and does not rule on any of the allegations contained in the Petition.

THEREFORE, for good cause, the Presiding Officer hereby Orders that effective upon signature, Licensee's license will be temporarily suspended by agreement and will remain so until **(Confidential)** **(Confidential)** and is declared safe to practice medicine and surgery with reasonable skill and safety.

IT IS SO ORDERED this 28th day of January, 2004.

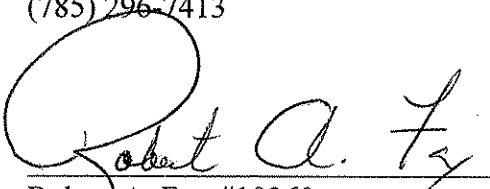


Mark A. McCune, M.D.
Presiding Officer

Prepared and Agreed to by:



Shelly R. Wakeman #15057
Disciplinary Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
(785) 296-7413



Robert A. Fox #10260
Foulston, Siefkin, LLP
555 S. Kansas Ave., Suite 101
Topeka, Kansas 66603

CERTIFICATE OF SERVICE

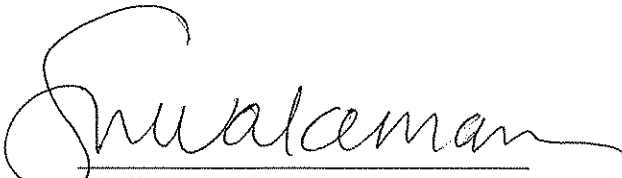
I, Shelly R. Wakeman, Disciplinary Counsel, Kansas Board of Healing Arts, do hereby certify that a true and correct copy of the foregoing AGREED ORDER was served on the 29th day of January, 2004 by United States mail, first-class postage prepaid and addressed to:

Anthony D. Luna, M.D.
101 N. Ford St.
Bucklin, KS 67834
LICENSEE

Robert A. Fox
Foulston, Siefkin, LLP
555 S. Kansas Ave., Suite 101
Topeka, Kansas 66603
ATTORNEY FOR LICENSEE

and the original was hand-delivered to:

Lawrence T. Buening, Jr.
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068


Shelly R. Wakeman