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JAN 29 2013

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

KS State Board of Healing Arts

In the Matter of)
ERNEST L. MCCLELLAN, M.D.)
)
Kansas License No. 04-152580)
_____)

KSBHA Docket No. 13-HA00033

**JOURNAL ENTRY DENYING RATIFICATION OF
CONSENT ORDER AND APPOINTING PRESIDING OFFICER**

NOW on this 7th day of December, 2012, comes before the Kansas State Board of Healing Arts (“Board”), the presentation of a Consent Order for ratification regarding the application of Ernest L. McClellan, M.D. (“Applicant/Licensee”) for change of license designation/type from exempt status to active status of practicing medicine and surgery in the State of Kansas. Applicant appears in person and *pro se*. Seth Brackman, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the 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 Journal Entry Denying Ratification of Consent Order and Order Appointing Presiding Officer in the above-captioned matter. After reviewing the agency record, and hearing the statements of the parties, and being otherwise duly advised in the premises, the Board makes the following determinations:

1. On or about June 18, 2012, Ernest L. McClellan, M.D. (“Applicant/Licensee”) submitted an application to the Board for a change of license designation/type from exempt status to active status to practice medicine and surgery in the State of Kansas. Such application was deemed complete and filed with the Board on November 13, 2012.

2. Applicant/Licensee disclosed in his application for change of designation/type that he has not been engaged in the clinical practice of medicine and surgery since June 30, 2007, and further, that he has not engaged in a formal educational program during the two years preceding his application for change of designation/type.

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7. On or about November 8, 2012, Applicant/Licensee signed a Consent Order as a condition to being granted an active license to practice medicine and surgery in the State of Kansas. The Consent Order granted Applicant/Licensee a temporary active license pending ratification of it by the Board. The Consent Order was filed with the Board on November 16, 2012.

8. At the regularly scheduled Board meeting on December 7, 2012, the Consent Order was presented to the Board for ratification.

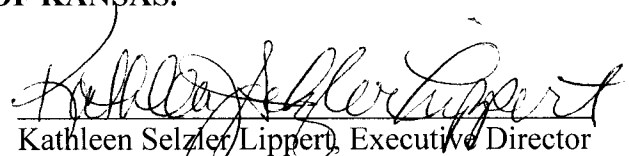
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10. The Board further concludes that a Presiding Officer with authority to issue a final order be appointed to Confidential and approve or deny a new Consent Order.

IT IS THEREFORE ORDERED that the Consent Order filed in the above-captioned matter is not ratified by the Board.

IT IS FURTHER ORDERED that Kimberly J. Templeton, M.D. is hereby appointed as Presiding Officer with authority to issue a final order in this matter to approve or deny a new Consent Order.

IT IS SO ENTERED THIS 27th ⁴¹ **DAY OF DECEMBER, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **JOURNAL ENTRY DENYING RATIFICATION OF CONSENT ORDER AND ORDER APPOINTING PRESIDING OFFICER** was served by depositing the same in the United States mail, postage prepaid, on this 29th day of January, 2013, addressed to:

Ernest L. McClellan, M.D.
Confidential
Wichita, KS 67230

and a copy hand delivered to the office of:

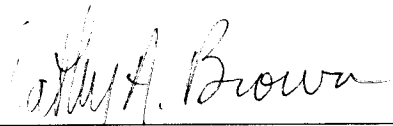
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and the original was filed with:

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