

FILED *CMB*
FEB 24 2014
KS State Board of Healing Arts

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

In the Matter of)
ERNEST McCLELLAN, M.D.)
)
Kansas License No. 04-15280)
_____)

KSBHA Docket No. 13-HA00033

FINAL ORDER TERMINATING PRACTICE MONITORING

NOW on this 14th day of February 2014, comes before the Kansas State Board of Healing Arts ("Board") the request of Ernest McClellan, M.D. ("Licensee") for termination of the practice monitoring requirement contained in the Consent Order filed on April 17, 2013. Licensee appears in person and *pro se*. Jane Weiler, Associate Litigation Counsel, appears on behalf of the Respondent Board.

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, hearing the statements and arguments of the parties, and being otherwise advised in the premises, the Board makes the following findings, 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. 04-15280.
2. On or about April 17, 2013, Licensee entered into a Consent Order with the Board to resolve concerns regarding Licensee's absence from the active practice of medicine and surgery since June 2007.
3. Under the terms of the Consent Order Licensee was required to complete a continuing education course in the area of Electrocardiograms and Advanced Airway Procedure,

complete a two (2) day difficult airway course, and was required to have a Board-approved practice monitor for a minimum of six (6) months. The terms of the Consent Order allowed Licensee to petition the Board for modification or termination after six (6) months.

4. On or about July 1, 2013, through January 9, 2014, seven (7) monthly reports regarding Licensee's compliance with his Consent Order were submitted.

5. On or about July 23, 2013, Licensee submitted documentation of the completion of the required Electrocardiogram continuing education course.

6. On or about October 4, 2013, Licensee submitted documentation of the completion of the required two (2) day difficult airway course.

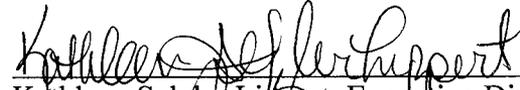
7. On or about December 24, 2013, Licensee submitted a written request to the Board for termination of the practice monitoring contained in the Consent Order.

8. On or about January 17, 2014, the Respondent Board filed a Response to Petition for Termination of Practice Monitoring and provided documentary evidence of Licensee's compliance with all requirements of the Consent Order.

9. Based on the evidence and presented, the Board finds that Licensee has now satisfactorily met all requirements of the Consent Order and concludes that termination of the practice monitoring requirement is warranted.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that the practice monitoring imposed by the Consent Order filed on April 17, 2013, is hereby **TERMINATED**.

IT IS SO ORDERED THIS 24 DAY OF FEBRUARY 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, at 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** was served this 24th day of February, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

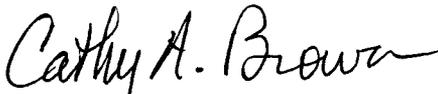
Ernest McClellan, MD
Confidential
Wichita, KS 67230-9125

And a copy was hand-delivered to:

Jane Weiler, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
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