

**FILED**

*CAB*

JUN 06 2008

KS State Board of Healing Arts

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

**In the Matter of** )  
 )  
**John Rand Neuenschwander, M.D.** )  
**Kansas License No. 04-15208** )

**Docket No.: 08-HA-00227**

**EMERGENCY EX PARTE ORDER OF SUSPENSION  
AND PROTECTIVE ORDER**

NOW on this 6th day of June 2008, this matter comes before Betty McBride, President; Vinton K. Arnett, D.C., Vice-President and Lawrence T. Buening, Jr., Executive Director, upon a *Ex Parte* Motion for Emergency Order of Suspension and Protective Order filed by Kathleen Selzler Lippert, Associate Counsel. There are no other appearances.

The President, Vice-President and Executive Director have reviewed the agency file in Kansas Board of Healing Arts (KBHA) Docket No. 08-HA-00227. The Board Officers and Executive Director find, 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 Board Officers and Executive Director may issue an order without notice and hearing, and may temporarily limit or suspend a license if they find an imminent danger to the public health, safety, or welfare.

2. The Board Officers and Executive Director have received and reviewed the agency record including the Motion for an *Ex Parte* Order Suspending

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*Ex Parte* Emergency Order of Suspension

John Rand Neuenschwander, M.D.

Licensee License filed with KBHA on June 6, 2008. The motion requests an emergency suspension of Licensee's license.

3. The motion for an emergency order in the above captioned case alleges that Licensee has the inability to practice the healing arts with reasonable skill and safety to patients **(Confidential)**

Additionally, that Licensee's continuation in practice constitutes an immediate danger to the public health, safety or welfare.

4. The motion for an emergency order in the above captioned case incorporates the Petition **(Confidential)**  
**(Confidential)**

#### **FINDINGS OF FACT**

5. John Rand Neuenschwander, M.D.'s ("Licensee") last known mailing address to the Board is: 1041 15<sup>th</sup> Street, Hoxie, Kansas 67740.
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. 04-15208 on approximately June 15, 1973, and having last renewed such license on approximately May 14, 2007.
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.

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*Ex Parte* Emergency Order of Suspension

John Rand Neuenschwander, M.D.

8. Licensee presently has an active and unrestricted license to practice medicine and surgery in the state of Kansas.
9. The Board Officers and Executive Director find that:
  - a. **(Confidential)**
  - b. **(Confidential)**
  - c. On September 21, 2007, Licensee treated Patient 1 for injuries received in a motor vehicle accident. **(Confidential)**  
**(Confidential)**  
**(Confidential)** subsequent treating physician noted several issues related to the laceration care Licensee provided to Patient 1. **(Confidential)**  
**(Confidential)**
  - d. On May 28 and 29, 2008, Licensee admitted Patient 2 to Sheridan County Health Complex (SCHC) for abdominal pain and weakness. Despite nursing staff contacting Licensee at home to apprise him of Patient 2's deteriorating condition and asking Licensee to come to the hospital, Licensee did not arrive at the hospital to assess Patient 2 for nearly two (2) hours. **(Confidential)**  
**(Confidential)**

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*Ex Parte* Emergency Order of Suspension

John Rand Neuenschwander, M.D.

e. **(Confidential)**

f. **(Confidential)**

10. **(Confidential)**

11. The Board Officers and Executive Director find that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.

**CONCLUSIONS OF LAW**

12. Pursuant to K.S.A. 65-2838(c), the Board has the authority to temporarily suspend Licensee's license to address an imminent threat to the health, safety or welfare of the public.

13. 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.

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*Ex Parte* Emergency Order of Suspension

John Rand Neuenschwander, M.D.

14. 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.
15. The Board Officers and Executive Director find that Licensee has violated the Healing Arts Act; in that Licensee has the inability to practice the healing arts with reasonable skill and safety to patients **(Confidential)**  
**(Confidential)**
16. The Board Officers and Executive Director find that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.
17. The Board Officers and Executive Director further conclude that Licensee's license to practice 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 John Rand Neuenschwander, M.D. is hereby immediately suspended.

**IT IS FURTHER ORDER** that a Protective Order is granted to prevent the disclosure of any information made confidential **(Confidential)**  
**(Confidential)**

**IT IS FURTHER ORDERED** that MYRON LEINWETER, DO, shall be appointed to serve as Presiding Officer to conduct any proceedings in the above captioned case, including emergency proceedings as required by statute.

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*Ex Parte* Emergency Order of Suspension

John Rand Neuenschwander, M.D.

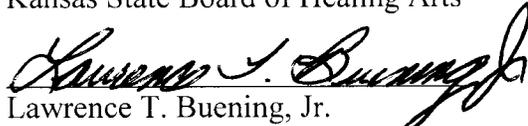
**IT IS FURTHER ORDERED** that board counsel shall serve this order in the manner provided by law, and shall complete and file a proof of service.

**PLEASE TAKE NOTICE** that a hearing on this matter will be scheduled as soon as practicable at the Board office, 235 S.W. Topeka Blvd., Topeka, Kansas. 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 235 S.W. Topeka Blvd., Topeka, Kansas 66603.

Dated this 6<sup>th</sup> day of June 2008.

Kansas State Board of Healing Arts

  
Lawrence T. Buening, Jr.  
Executive Director

Prepared by:  
  
Kathleen Selzer Lippert, #17957  
Associate Counsel  
Kansas Board of Healing Arts  
235 South Topeka Blvd.  
Topeka, Kansas 66603  
(785) 296-0961

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**CERTIFICATION OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the  
**EMERGENCY *EX PARTE* ORDER OF SUSPENSION AND PROTECTIVE**  
**ORDER** by United States mail, postage prepaid, on this 6<sup>th</sup> day of June, 2008, to the  
following:

John Rand Neuenschwander, M.D.  
Licensee  
1041 15<sup>th</sup> Street  
Hoxie, Kansas 67740

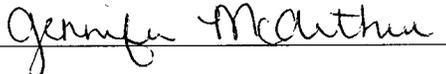
Michael R. O'Neal  
Attorney for Licensee  
Gilliland & Hayes, P.A.  
20 West 2<sup>nd</sup> Avenue, 2<sup>nd</sup> Floor  
P.O. Box 2977  
Hutchinson, Kansas 67504-2977

And the original was hand-filed with:

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

And a copy hand-delivered to:

Kathleen Selzler Lippert  
Associate Counsel  
Kansas Board of Healing Arts  
235 South Topeka Blvd.  
Topeka, Kansas 66603

  
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