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

KS State Board of Healing Arts

In the Matter of)
KIRK D. POTTER, D.O.)
)
Kansas License No. 05-33528)
_____)

Docket No. 17-HA00024

EX PARTE EMERGENCY ORDER OF SUSPENSION

NOW on this 4th day of November, 2016, this matter comes before the Presiding Officer, M. Myron Leinwetter, D.O. on Petitioner’s Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings filed by Jane E. Weiler, Associate Litigation Counsel for the Board. There are no other appearances.

Upon review of the agency record in KSBHA Docket No. 17-HA00024, including the Petition, Motions, and attached exhibits, the Presiding Officer finds, concludes and orders as follows:

1. On November 4, 2016, Petitioner filed a Petition alleging that Kirk D. Potter, D.O. (“Licensee”) committed violations of the Healing Arts Act and requesting disciplinary action against Licensee’s license.
2. Petitioner also filed a Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings (“Motion”) pursuant to K.S.A. 65-5410(a), as defined in K.A.R. 100-54-5(c). The Motion incorporated the allegations of the Petition by reference.
3. At all times relevant to the allegations set forth in the Petition and Motion, Licensee has been subject to certain requirements contained in a Consent Order he entered into with the Board to resolve disciplinary allegations as a condition to being allowed to continue to practice

as an osteopathic physician. Such Consent Order was filed with the Board on October 13, 2015, in Kansas Board of Healing Arts Docket No. 16-HA00024.

4. [REDACTED]

5. Licensee is presently licensed and entitled to engage in the active practice of osteopathic medicine and surgery.

Allegations

6. The Motion generally alleges that Licensee has violated [REDACTED]

[REDACTED] and his Consent Order with the Board [REDACTED]

7. Joe Tatr, Special Investigator with the Board spoke with Licensee's employer, Potter Plastic and Reconstructive Surgery and was informed that Licensee was in the office and seeing patients on October 28, 2016 from 8:05 a.m. until 5:20 p.m.

Findings and Conclusions

8. The facts and documentary evidence as set forth in the Motion provide sufficient evidence that Licensee is continuing [REDACTED] in violation of his Consent Order [REDACTED]

9. [REDACTED]

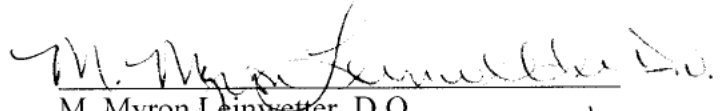
[REDACTED]

10. The Presiding Officer further finds that because the Board is unable to guarantee Licensee's [REDACTED] the Board is unable to assure the public that Licensee is safe to practice osteopathic medicine and surgery at this time.

IT IS THEREFORE, ORDERED that the license of KIRK D. POTTER, D.O. is hereby emergently **SUSPENDED** on a temporary basis pending an evidentiary hearing to determine if there is adequate cause for the suspension to remain in effect during the proceedings on the underlying Petition.

IT IS SO ORDERED this 4th day of November, 2016.

Kansas State Board of Healing Arts


M. Myron Leinwetter, D.O.
Presiding Officer by [initials]

NOTICE OF RIGHTS

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 Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing **Ex Parte Emergency Order of Suspension** was served this 4th day of November, 2016 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Kirk D. Potter, D.O
Licensee
217 E. 32nd Street
Hays, Kansas 67601

Patricia Dengler
Attorney for Licensee
Gilliland & Hayes, LLC
1300 Epic Center
301 N. Main
Wichita, Kansas 67202

And a copies were hand-delivered to:

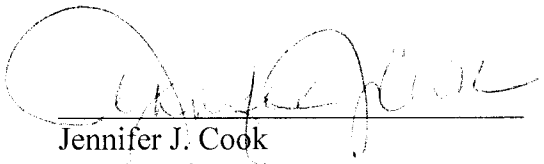
Jane E. Weiler
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Ste A
Topeka, KS 66612

John Nichols
Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Ste. A
Topeka, KS 66612

And a copy was given to:

M. Myron Leinwetter, D.O.
KSBHA Presiding Officer
Kansas State Board of Healing Arts

and the original was filed with the office of the Executive Director.


Jennifer J. Cook
Legal Assistant