

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

OCT 19 2012

KS State Board of Healing Arts

In the Matter of

RICHARD C. PRESTON, M.D.
Kansas License No. 04-14476

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Docket No.: 13-HA00016

EX PARTE EMERGENCY ORDER OF SUSPENSION

NOW on this 19th day of October, 2012, this matter comes before the Presiding Officer upon a Motion for Ex Parte Emergency Order of Suspension, filed on October 19, 2012, by Associate Litigation Counsel Brandy Snead ("Petitioner").

The Presiding Officer has reviewed the agency file in Kansas Board of Healing Arts Docket No. 13-HA00016. The Presiding Officer finds, 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 Presiding Officer may issue an order without notice and hearing, and may temporarily limit or suspend a license if the Presiding Officer finds an imminent danger to the public health, safety, or welfare.
2. The Presiding Officer has received and reviewed a Confidential
Confidential filed with KSBHA on September 24, 2012, and the Motion for Ex Parte Emergency Order of Suspension filed with KSBHA on October 19, 2012.
3. The motion for an emergency order in the above captioned case alleges that Richard C. Preston, M.D. ("Licensee") is in violation of the Kansas Healing Arts Act, K.S.A. 65-2836(i), in that he has the inability to practice the healing arts with reasonable skill and safety to patients Confidential
4. Confidential
5. During a Conference Hearing in the above captioned case at its regularly scheduled Board meeting on October 19, 2012, the Board reviewed the evidence of record and ordered Licensee Confidential

6. The motion for an emergency order in the above captioned case incorporates the **Confidential** **Confidential** filed in KSBHA Docket number 13-HA00016 and includes Exhibits 1-10 as follows:
1. 2011 Online Renewal, 6-16-2011, 3 pgs
 2. Email between Licensee and Board regarding 2011 Renewal, 7-8-2011, 1 pg
 3. **Confidential**
 - 4.
 - 5.
 - 6.
 - 7.
 8. 2012 Online Renewal, 7-27-2012, 4 pgs
 9. Letter from Board Staff **Confidential** 7-27-2012, 2 pgs
 10. Affidavit of Jennifer McArthur, 11-21-2012, 3 pgs

FINDINGS OF FACT

6. Richard C. Preston, M.D.'s ("Licensee") last known mailing address to the Board is: **Confidential** **Confidential** Great Bend, Kansas 67530.
7. Licensee is or has been entitled to practice medicine and surgery in the State of Kansas, having been issued License No. 04-14476 on approximately July 1, 1970, and having last renewed such exempt license on approximately June 29, 2012.
8. Licensee presently has an exempt license to practice medicine and surgery in the state of Kansas.
9. Information has been received by the Board which indicates that Licensee **Confidential** **Confidential** that could render him unable to practice medicine with reasonable skill and safety.
10. The Presiding Officer finds that Licensee is an imminent danger to the public health, safety, or welfare, due to his inability to practice the healing arts with reasonable skill and safety to patients **Confidential**

CONCLUSIONS OF LAW

11. 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.

12. Pursuant to K.S.A. 65-2838(c), the Board has the authority to temporarily suspend Licensee's license if there is cause to believe that grounds exist under K.S.A. 65-2836 and amendments thereto for disciplinary action authorized by K.S.A. 65-2836 and amendments thereto against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.
13. Pursuant to K.S.A. 77-536, the Board may use emergency proceedings to protect the public from an immediate danger to the public health, safety or welfare.
14. The Presiding Officer finds there is cause to believe that Licensee has violated K.S.A. 65-2836(i), in that he has the inability to practice the healing arts with reasonable skill and safety to patients **Confidential**
15. The Presiding Officer finds that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.
16. The Presiding Officer further concludes 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 RICHARD C. PRESTON, M.D., is hereby immediately suspended.

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.

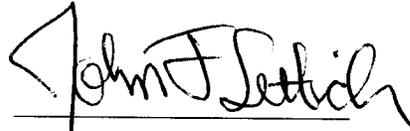
IT IS FURTHER ORDERED that a Protective Order is granted to protect all confidential information under 42 CFR Part II, K.S.A. 65-4915, 65-2836(i), 65-2839a(d), and K.S.A. 65-2898a.

PLEASE TAKE NOTICE that a hearing on this matter will be scheduled as soon as practicable at the Board office, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612. 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 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

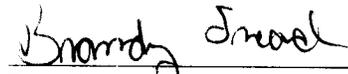
Dated this 14th day of October 2012.

Kansas State Board of Healing Arts



Presiding Officer

Prepared by:



Brandy Snead, #25301
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Ave
Lower Level, Suite A
Topeka, KS 66612
(785) 368-8212

CERTIFICATE OF SERVICE

I, Kelli Stevens, hereby certify that I served a true and correct copy of the Ex Parte Emergency Order of Suspension and Emergency Proceedings by United States mail, postage prepaid, on this 19th day of October, 2012, to the following:

Richard C. Preston, M.D.

Confidential

Great Bend, KS 67530

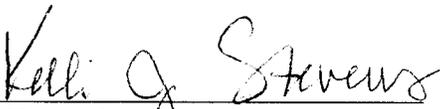
And a copy was given to:

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level-Suite A
Topeka, Kansas 66612

Presiding Officer
Kansas State Board of Healing Arts
Through Kelli J. Stevens, General Counsel

And the original was hand-filed with:

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



Staff Member