



CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the above and foregoing Journal Entry on the 24<sup>th</sup> of June, 2009 was mailed to the following:

Mark Stafford  
Holbrook and Osborn, P.A.  
214 SW 6<sup>th</sup> Street  
Topeka, KS 66603

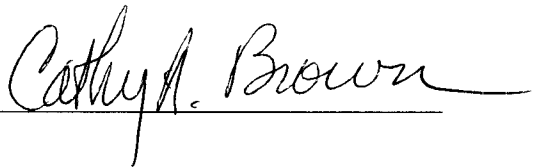
Russell L. Reitz, M.D.  
1133 College Avenue, Bldg. E #140  
Manhattan, KS 66502

And a copy was hand-delivered to:

Kathleen Selzler Lippert  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

And the original was filed with:

Jack Confer  
Executive Director  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

  
\_\_\_\_\_

BEFORE THE BOARD OF HEALING ARTS  
FOR THE STATE OF KANSAS

**FILED** *CB*  
JUN 24 2009

**KS State Board of Healing Arts**

In the Matter of                         }  
  }  
RUSSELL, L. REITZ, M.D.    }         KSBHA Docket No. 09-HA00189  
Kansas License No. 04-26214}           
\_\_\_\_\_}         

JOURNAL ENTRY

NOW this 12<sup>th</sup> day of June, 2009 the above captioned matter came before the Kansas State Board of Healing Arts on the Petition of the Board (Board) to revoke the license of Russell L. Reitz, M.D. pursuant to K.S.A. 65-2836(b) and (c), Michael Beezely, M.D. presiding. The petitioner appears by and through Kathleen Selzler Lippert, Litigation Counsel. The respondent, Russell L. Reitz, appears in person and through counsel, Mark Stafford, of Holbrook and Osborn, P.A. There are no other appearances. The Board after reviewing the file, being duly apprised of the premises and after hearing the statements of counsel made the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

1. The petitioner presented a certified copy of a verdict in the case of *State of Kansas v. Russell L. Reitz*, Case No. 08-CR-514 (Riley County, Kansas, April 30, 2009) where a jury found Russell L. Reitz “guilty of aggravated battery in a manner whereby great bodily harm, disfigurement or death can be inflicted,” a Level VII, person felony. The petitioner then rested.

2. The Board finds staff has carried its burden of proof that the respondent has been convicted of a Level VII person felony in the case of *State of Kansas v. Reitz, supra* and the respondent’s license to practice medicine shall be revoked unless the respondent can persuade the Board by a two-thirds majority of those voting by clear and

convincing evidence, the respondent will not pose a threat to the public in such person's capacity as a licensee and the licensee has been sufficiently rehabilitated to warrant the public trust as stated in K.S.A. 65-2836(c).

3. The respondent was sworn on his oath and briefly testified.

4. The Board determined additional evidence should be presented at a formal hearing to be convened at a later date

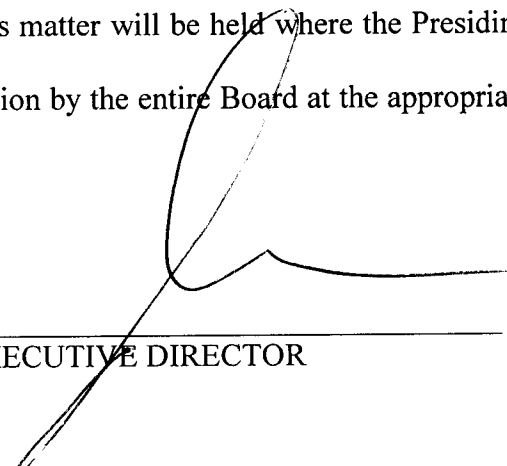
5. The Board voted to appoint a Board member as a hearing examiner to convene a formal hearing to take testimony and additional evidence from the respondent, make an initial order and report back to the Board.

6. Micheal Beezely, M.D. was appointed Presiding Officer for the formal hearing to take evidence presented by Russell Reitz, M.D.

7. The parties waive any objections they may have to Michael Beezely, M.D., as a Presiding Officer at the Formal Hearing in this matter.

WHEREFORE, a Formal Hearing in this matter will be held where the Presiding Officer will issue an Initial Order for consideration by the entire Board at the appropriate full Board meeting.

IT IS SO ORDERED.



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EXECUTIVE DIRECTOR

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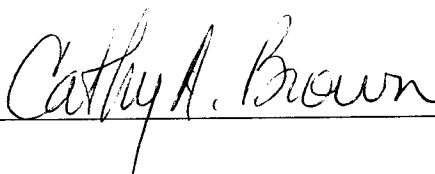
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Cathy A. Brown

**FILED**

CAB

JUN 24 2009

BEFORE THE BOARD OF HEALING ARTS  
FOR THE STATE OF KANSAS

KS State Board of Healing Arts

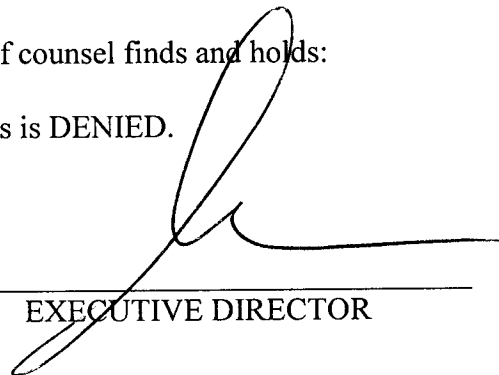
In the Matter of	}	
	}	
RUSSELL, L. REITZ, M.D.	}	KSBHA Docket No. 09-HA00189
Kansas License No. 04-26214	}	
_____	}	

JOURNAL ENTRY

NOW this 12<sup>th</sup> day of June, 2009 the above captioned matter comes before the Kansas State Board of Healing Arts (Board) on the respondent's Motion to Dismiss the Board's Petition to Revoke the respondent's license to practice medicine and surgery. The respondent, Russell L. Reitz, M.D., appears in person and through Mark Stafford of Holbrook and Osborn, P.A. Board staff appears by Kathleen Selzler Lippert. There are no other appearances. The Board, after review of the file, after being duly apprised of the premises and after hearing the statements of counsel finds and holds:

The respondent's Motion to Dismiss is DENIED.

IT IS SO ORDERED.



\_\_\_\_\_  
EXECUTIVE DIRECTOR

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