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K.S. State Board of Healing Arts

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

**In the Matter of** )  
**Russell Reitz, M.D.** )  
**License No. 04-26214** )  
\_\_\_\_\_ )

Docket No. 09-HA00189

**FINAL ORDER**  
**(Pursuant to K.S.A. 77-501 et seq. )**

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“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. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

**I. Findings of Fact**

The Board has been shown the following facts:

1. Dr. Russell Reitz, M.D. (“Licensee”), (confidential) Topeka, Kansas 66615 is licensed in the State of Kansas, License No. 04-20377, and was originally licensed on or about April 27, 1996.
2. On April 30, 2009, Licensee was found guilty of aggravated battery as a result of an incident which occurred between Licensee and a companion of Licensee’s ex-wife.
3. The aggravated battery was a level 7 person felony.
4. Pursuant to K.S.A. 65-2836, the Board filed an action seeking to revoke Licensee’s license to practice as a result of the felony conviction.
5. The Board found in the Amended Final Order (“Final Order”) issued October 15, 2010 that Licensee had committed a felony pursuant to K.S.A. 65-2836.

6. Pursuant to K.S.A. 65-2836(c), Licensee was required to prove to a 2/3 majority of the Board that Licensee did not pose a threat to the public in his capacity as a Licensee and that Licensee had been sufficiently rehabilitated to warrant public trust.
7. The Board found the Licensee had proven by clear and convincing evidence, that he did not “pose a threat to the public in such person’s capacity as a licensee”.
8. Further, the Board found Licensee had been rehabilitated sufficiently to warrant the public trust pursuant to K.S.A. 65-2836(c).
9. The Board ordered the Licensee’s license suspended indefinitely and ordered the following:

a.

(confidential)

b.

(confidential)

c.

(confidential)

d. Licensee pay costs in the matter in the amount of  
\$2,371.20.

10. Licensee was also placed on indefinite probation effective October 16, 2009.

11. The lifting of the terms of Licensee's suspension and probation was not self-executing. Licensee was required to petition the Board to remove the suspension and probationary terms set forth in the Final Order.
12. On July 27, 2010, Licensee filed a Petition for Termination of Suspension and Probation.
13. Documentation provided to the Board indicates Licensee has complied with the terms of Final Order.

## **II. Applicable Law**

- a. K.S.A. 65-2801
- b. K.S.A. 65-2836

## **III. Policy Statement**

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

## **IV. Conclusions of Law**

Based upon the Findings of Fact enumerated in Paragraphs #1 through #13, the Applicable Law and the Policy Statement set forth above:

### **THE BOARD HEREBY CONCLUDES AS FOLLOWS:**

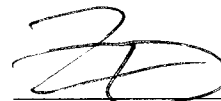
14. Licensee was convicted of felony aggravated battery on April 30, 2009.

15. The Board took action placing Licensee on indefinite probation and suspending Licensee's license after Licensee proved he did not pose a threat to the public and had been sufficiently rehabilitated.
16. The Final Order set forth requirements Licensee was required to complete prior to petition the Board for termination of his probation and suspension.
17. Documentation provided to the Board indicates Licensee has successfully complied with the requirements set forth in the Final Order.
18. Licensee filed a Petition for Termination of Suspension and Probation on July 27, 2010.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:**

19. Licensee's probation and suspension are hereby **TERMINATED**.
20. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

**IT IS SO ORDERED THIS 15<sup>th</sup> DAY OF OCTOBER, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
ON BEHALF OF THE KANSAS STATE BOARD OF HEALING ARTS  
Dr. Carolina Soria, D.O. BOARD OF HEALING ARTS  
Kansas State Board of Healing Arts ARTS

**NOTICE OF RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service. 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 – Motion to Terminate Probation and Suspension

In the Matter of Dr. Russell Reitz, M.D.

KSBHA Docket No. 10-HA00011

Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

**CERTIFICATE OF SERVICE**

I, hereby certify that a true copy of the foregoing Final Order was served this 15<sup>th</sup> day of OCTOBER, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Mark W. Stafford  
Holbrook & Osborn, P.A.  
800 S.W. Jackson, Suite 900  
Topeka, Kansas 66612

Dr. Russell Reitz  
(confidential)  
Topeka, Kansas 66615

And a copy was hand delivered to the office of:

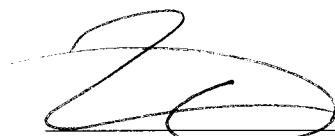
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Melissa Massey, Compliance Coordinator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

The original filed with:

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



Zachary J.C. Anshutz  
Associate General Counsel