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OCT 23 2009

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of	}	
James Rider, M.D.,	}	
	}	Docket No. 09-HA-214
<u>Kansas License No. 04-16533</u>	}	

FINAL ORDER

NOW this October 16, 2009 the above captioned matter comes before the Board on its own Motion to Review the Initial Order dated July 21, 2009. Board Staff appears by and through Kathleen Lippert. There are no other appearances. The Board, being duly advised in the premises finds as follows:

1. The Initial Order granted the petitioner's Motion to Dismiss.
2. Board Staff supports the Initial Order.

WHEREUPON, the above captioned matter is DISMISSED.

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. A copy of any petition for judicial review must be served upon Michael Beezley, the Board's Chair, at 235 SW Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.

Dated this 23rd day of October, 2009

Michael Beezley
Michael Beezley, Chair *By Cathy A. Brown*
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603-3068
785/296-3680

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this *23rd* day of October, 2009 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Larry R. Mears
Attorney for Licensee's Estate
104 N. Sixth Street, Suite 1
Atchison, KS 66002-2440

And a copy hand delivered to:

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

Cathy A. Brown

JUN 30 2009

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)	
)	Docket No.: 09-HA00214
James Walter Rider, M.D.)	
Kansas License No. 04-16533)	

EMERGENCY EX PARTE ORDER OF SUSPENSION

NOW on this 29th day of June 2009, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. Kathleen Selzler Lippert, Litigation Counsel filed a Motion for *Ex Parte* Emergency Order of Suspension. There are no other appearances.

The Presiding Officer has reviewed the agency file in Kansas Board of Healing Arts (KBHA) Docket No. 09-HA00214. 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 Motion for an *Ex Parte* Order suspending Licensee's license filed with KBHA on June 29th, 2009. The motion requests an emergency suspension of Licensee's license.

Ex Parte Emergency Order of Suspension
James Walter Rider, M.D.
KBHA Docket No. 09-HA00214

3. The Presiding Officer has received and reviewed a Petition for discipline which included attached exhibit 1 and 2.
4. The motion for an emergency order in the above captioned case alleges that Licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a and amendments thereto and that Licensee has failed to pay the premium surcharges as required by K.S.A. 40-3404 and amendments thereto.
5. The motion for an emergency order in the above captioned case includes Exhibits 1 and 2.

FINDINGS OF FACT

6. James Walter Rider, M.D.'s ("Licensee") last known mailing address to the Board is: 625 Commercial #4, Atchison, Kansas 66002; his last known residential address is: **(Confidential)**
7. 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. 04-16533 on approximately June 18, 1976, and having last renewed such license on approximately July 1, 2008.
8. 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.
9. Licensee presently has an active and unrestricted license to practice medicine and surgery in the state of Kansas.

10. The Presiding Officer finds that:

- a. On June 29, 2009, Petitioner filed a disciplinary petition against Licensee's license to practice the healing arts alleging violations of the Kansas Healing Arts Act pursuant to K.S.A. 65-2836. Petitioner incorporates the Petition and exhibits herein by reference in its entirety.
- b. Pursuant to K.S.A. 65-2836(y), a licensee is required to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a and amendments thereto.
- c. Pursuant to K.S.A. 65-2836(z), a licensee is required to pay the premium surcharges as required by K.S.A. 40-3404 and amendments thereto.
- d. Board staff received information that Licensee has not maintained a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a since approximately October 27, 2008. Furthermore, Licensee has failed to pay the premium surcharges as required by K.S.A. 40-3404.
- e. Based on his failure to maintain insurance, Licensee voluntarily surrendered his hospital privileges and agreed to not provide care to inpatients or emergency department patients until further notice.

f. Health Care Stabilization Fund (HCSF) documents indicate that Licensee does not have insurance as required by the Healing Arts Act.

11. A failure to maintain a policy of professional liability insurance and pay the premium surcharges as required by K.S.A. 40-3404 may deny patients legal recourse and reparations for harmed suffered by a licensee's actions, inactions or conduct.
12. Licensee's continuation in practice in the absence of a policy of professional liability insurance and without payments as required by K.S.A. 40-3404 would constitute an immediate danger to the public health, safety or welfare.

CONCLUSIONS OF LAW

13. 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.
14. 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 .
15. 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.

16. The Presiding Officer finds that Licensee has violated K.S.A. 65-2836(y) and (z), in that Licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a and / or failed to pay the premium surcharges as required by K.S.A. 40-3404.
17. The Presiding Officer finds that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.
18. The Presiding Officer further concludes that Licensee's license to practice of 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 James Walter Rider, 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.

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 29th day of June 2009.

Kansas State Board of Healing Arts

Garold Minns, M.D. 15g
Garold Minns, M.D.
Presiding Officer

Prepared by:

Kathleen Selzler Lipfert
Kathleen Selzler Lipfert, #17957
Litigation Counsel

Kansas Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603
(785) 296-0961

Ann. Scott Jesse
General Counsel

CERTIFICATION OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of
EMERGENCY EX PARTE ORDER OF SUSPENSION by United States mail,
postage prepaid, on this 30th day of June, 2009, to the following:

James Walter Rider, M.D.
625 Commercial #4
Atchison, Kansas 66002

James Walter Rider, M.D.
1309 Laramie Street,
Atchison, Kansas 66002

And the original was hand-delivered for filing with:

Jack Confer
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068


