

JUN 29 2010

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

KS State Board of Healing Arts

**In the Matter of** )  
**Brandon Riesenmy** )  
**License No. 4-23189** )  
\_\_\_\_\_ )

Docket No. 09-HA00033

**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. Brandon Riesenmy (“Licensee”), 1718 Logan Drive, Webb City, Missouri 64870, is licensed to practice surgery and medicine in the State of Kansas, License No. 4-23189, and has been so licensed since June 15, 1990.
2. On August 19, 2008, Licensee entered into a Consent Order with the Board. The basis of the Consent Order was a Missouri State Board of Registration for the Healing Arts’ “(Missouri Board”) issuance of a Findings of Fact, Conclusions of Law & Disciplinary Order Publicly Reprimanding & Probating the Missouri License of Licensee.
3. Under the terms of the August 19, 2008 Consent Order, Licensee agreed to public censure and a two year probation on Licensee’s license. Specifically, the Consent Order states, ““Licensee's License is hereby placed upon

probation for a period of not less than two years commencing upon the filing of this Order.”

4. Licensee’s probationary terms included requirements that Licensee provide proof of completion of the Missouri Board approved prescribing course on or before September 1, 2008. Additionally, Licensee was required to inform the Board of all practice locations and hospitals at which Licensee holds privileges. Licensee was also required to immediately notify the Board of any changes in practice locations and/or termination of privileges.
5. On or about August 20, 2008, the Board received notification from Licensee of proof of completion of the Missouri Board approved prescribing course.
6. On or about April 19, 2010, Licensee submitted a request to the Board to terminate the probation contained in the August 19, 2008 Consent Order.
7. Licensee did not appear before the Board at the Conference Hearing held on June 18, 2010.

## **II. Applicable Law**

K.S.A. 65-2801 states:

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.

K.S.A. 65-2838 states, in pertinent part:

A licensee’s license may be revoked, suspended or limited or the licensee may be publicly or privately censured or paced under probationary conditions, or an

application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

- (j) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

### **III. Public 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 #7, the Applicable Law and the Public Policy Statement set forth above:

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

8. The monitoring and limitations as set forth in the Consent Order entered into on August 19, 2008 are not self-terminating.
9. Licensee has provided documentation of completion of the Missouri Board approved prescribing course.
10. The Consent Order of August 19, 2008 states: "Licensee's License is hereby placed upon probation for a period of not less than two years commencing upon the filing of this Order."

11. Licensee did not appear before the Board at the June 18, 2010 Conference  
Hearing on this matter.

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

12. The Board's determination of Licensee's request to terminate the probation set  
forth in the August 19, 2008 Consent Order is hereby **TABLED** until the  
August 20, 2010 Board Meeting.

13. Licensee is hereby ordered to appear, in person, for the August 20, 2008  
Board Meeting.

14. The Board shall maintain jurisdiction over this matter to issue any Order(s)  
deemed necessary and appropriate.

**IT IS SO ORDERED THIS 28 DAY OF June, 2010, IN THE CITY  
OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing 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. 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 29<sup>th</sup> day of June, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

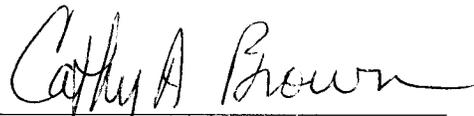
Brandon Riesenmy, M.D.  
1718 Logan Drive  
Webb City, Missouri 64870

And a copy was hand delivered to the office of:

Julia Mowers  
Associate Litigation Counsel  
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



Cathy Brown  
Executive Assistant