

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

KS State Board of Healing Arts

In the Matter of)
Brandon Riesenmy, M.D.)
License No. 04-23189)
_____)

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”), (confidential) Webb City, Missouri 64870, is licensed to practice medicine and surgery in the State of Kansas, License No. 04-23189. Licensee was issued a license on approximately June 15, 1990.
2. On or about August 19, 2007, Licensee entered into a Consent Order with the Board.
3. The Consent Order was based on the 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 License of Licensee.

4. The Missouri Board action was based on a finding that Licensee permitted an advance practice nurse to order the refill of controlled substance prescriptions without his direction or supervision and various violations related to record keeping and dispensing controlled substances.
5. Under the terms of the Consent Order Licensee agreed to the following:
 - II. Public censure
 - III. Licensee's license was placed on probation for a period of not less than two years.
6. Licensee was required to provide completion of the Missouri Board approved prescribing course on or before September 1, 2008 along with additional requirements under the Consent Order.
7. On or about August 20, 2008, the Board received notice that Licensee had provided proof of completion of the Missouri Board approved prescribing course.
8. On or about April 20, 2010, Licensee submitted a request for termination of the probation contained in the Consent Order.
9. On or about June 18, 2010, the Board tabled the determination of Licensee's request for termination of probation until the August 20, 2010, Board Meeting.
10. Licensee's two year term of probation ended on August 19, 2010.

II. Applicable Law

- a. K.S.A. 65-2801 et seq.
- b. K.S.A. 65-2836
- c. K.S.A. 65-2837
- d. K.S.A. 65-2838

Final Order – Request to Terminate Consent Order

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- e. K.S.A. 65-2869
- f. K.S.A. 65-28,127
- g. K.A.R. 100-55-5

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 #10, the Applicable Law and the Public Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

11. The probationary terms set forth in the August 19, 2008, Consent Order are not self-terminating.
12. Licensee completed the Missouri Board approved prescribing course on or before September 1, 2008.
13. The two (2) year term for probation as set forth in the August 19, 2008, Consent Order has elapsed.
14. On April 19, 2010, Licensee requested termination of the probation provisions of the August 19, 2008 Consent Order.

15. On June 18, 2010, the Board tabled determination of the Licensee's request for termination of the probation provisions of the August 19, 2008 Consent Order until the August 20, 2010 Board Meeting.

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

16. The August 19, 2008, Consent Order is hereby **TERMINATED**.

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

IT IS SO ORDERED THIS 31 DAY OF Aug, 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 31st day of August, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Brandon Riesenmy, M.D.
(confidential)
Webb City, MO 64780

Mark W. Stafford
Holbrook & Osborn, P.A.
800 S.W. Jackson, Suite 900
Topeka, KS 66603

And a copy was hand delivered to the office of:

Julia Mowers
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Katy Lenahan
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The original filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
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Cathy Brown
Executive Assistant