

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

**In the Matter of** )  
**Jay Alan Riseman, M.D.** )  
 )  
**Kansas License No. 04-34116** )  
\_\_\_\_\_ )

**KSBHA Docket No. 10-HA00086**

**FINAL ORDER TERMINATING LIMITATION**

**NOW** on this 21<sup>st</sup> day of October 2011, comes before the Kansas State Board of Healing Arts (“Board”) the request of Jay Alan Riseman, M.D., (“Licensee”) for termination of practice limitation. Licensee appears in person and through legal counsel, Mark Stafford. Stacy Bond, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to 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. After reviewing the file, hearing the statements and arguments of the parties, hearing the testimony of Licensee, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and orders:

**I. Findings of Fact**

1. Licensee is licensed to engage in the practice of medicine and surgery in the State of Kansas, License No. 04-34116, and has been so licensed since approximately December 8, 2009.
2. Licensee’s last known mailing address provided to the Board is: 12000 Wornall, Kansas City, Kansas 64145.
3. On or about December 8, 2009, Licensee entered into a Consent Order with the Board during Licensee’s initial application to practice medicine and surgery in Kansas, due to

alleged violations of the Kansas Healing Arts Act. Under the terms of the Consent Order, a limitation was placed on Licensee's license in that Licensee was prohibited from practicing surgery in the State of Kansas.

4. Since entering into the Consent Order, Licensee has practiced medicine at Kansas City Hospice, Inc. in Kansas.

5. On or about July 5, 2011, Licensee filed a written request to the Board seeking termination of the practice limitation imposed on Licensee by the Consent Order.

6. On July 5, 2011, the Respondent Board filed a Response to Licensee's Request for Termination of Monitoring Requirements. Licensee's petition indicates that Licensee is currently a hospice physician and has not performed surgery since 2005. Licensee's petition states that Licensee desires hospital privileges to allow in-patient medical interventions and palliative care orders. Additionally, Licensee's petition indicates that Licensee is currently certified by the American Board of Surgery, but is not eligible to obtain privileges to perform surgery in any medical care facility.

7. Licensee testified that he has no desire to practice surgery in the State of Kansas.

8. Licensee testified that, due to the length of time in which he has not practiced surgery, should he desire to receive surgical privileges at a medial facility in the State of Kansas, Licensee would be required to receive remedial surgical training.

9. The Board was not presented with any evidence of complaints against Licensee regarding Licensee's practice in the State of Kansas. Similarly, the Board was not notified of any civil actions are currently pending against Licensee.

## **II. Applicable Law**

- a. K.S.A. 77-501, *et seq.* – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801, *et seq.* – Kansas Healing Arts Act

## **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**

Licensee has satisfied the Board's requirement to protect the public by and through Licensee's assurance that he will not practice surgery in the State of Kansas.

## **V. Order**

**IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS** that Licensee has satisfied the Board's requirement to protect the public by and through Licensee's assurance that he will not practice surgery in the State of Kansas, and that the Board hereby grants Licensee's request to terminate the practice limitation against performing surgical procedures imposed on Licensee by the Consent Order in this matter.

**IT IS FURTHER ORDERED** that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 27 DAY OF OCTOBER, 2011, IN THE CITY OF  
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

  
Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts

Prepared and Approved by:

  
Randy E. Stookey, #21885  
Assistant General Counsel  
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, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true copy of the foregoing **Final Order Terminating Limitation** was served this 27<sup>th</sup> day of October, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Jay Alan Riseman, M.D.  
12000 Wornall  
Kansas City, Kansas 64145

Mark W. Stafford, Attorney for Respondent  
Holbrook & Osborn, P.A.  
107 S. Topeka Blvd., Ste. 210  
Topeka, Kansas 66603

And a copy was hand-delivered to:

Stacy Bond, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Melissa Massey, Compliance Coordinator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

The original was filed with the office of:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant