

**FILED**

JUN 28 2010

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

KS State Board of Healing Arts

**In the Matter of** )  
**Jay Alan Riseman** )  
**License No. 04-43116** )  
\_\_\_\_\_ )

Docket No. 10-HA00086

**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.

**I. Findings of Fact**

The Board has been shown the following facts:

1. Jay Alan Riseman (“Licensee”) 3004 Kensington Dr., Springfield, IL 62702 is licensed to practice surgery and medicine in the State of Kansas and has been so licensed since December 4, 2009. Licensee’s license is limited pursuant to a Consent Order signed and filed on December 8, 2009.
2. Pursuant to the terms of the Consent Order entered into by the Board and Licensee, Licensee agreed to a limitation upon his license prohibiting him from performing any acts of surgery.
3. On February 25, 2010, Licensee filed a Motion to Modify the Consent Order requesting the Board remove the limitation prohibiting Licensee from performing surgery and replacing it with a condition that Licensee not perform surgery without first providing notice to the Board.

4. The Motion to Modify the Consent Order was precipitated by Licensee's inability to receive payment from third party payers because of the restriction from performing surgery on Licensee's license.
5. On April 16, 2010, Licensee appeared before the Board on the Motion to Modify the Consent Order.
6. On May 13, 2010, the Board issued a Final Order denying the Licensee's Motion to Modify the Consent Order.
7. On May 24, 2010, Licensee filed a Petition for Reconsideration with the Board.

## **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.”

*Also See K.S.A. 77-529 - Reconsideration*

## **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.

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#### **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 Board has duly considered Licensee's Petition for Reconsideration.
9. The Board has not considered the underlying factual basis for the Final Order and bases its decision solely upon the Licensee's Petition for Reconsideration.

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

10. Pursuant to the authority granted to the Board by the Healing Arts Act, and the Kansas Administrative Procedure Act, specifically K.S.A. 77-529, the Licensee's Petition for Reconsideration is hereby **DENIED**.
11. 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 pursuant to K.S.A. 77-601, et seq. Reconsideration of a final order is not a prerequisite to judicial review. Please note, filing a Petition for Final Order – Petition for Reconsideration  
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Reconsideration may affect the timeframe in which a party has to file a Petition for Judicial Review. *Please see K.S.A. 77-601 et seq.* 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 28<sup>th</sup> day of June, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Jay Riseman, M.D.  
3004 Kensington Dr.  
Springfield, IL 62702

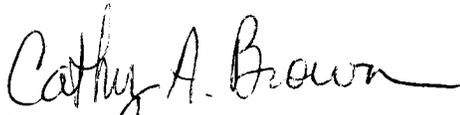
Carol Ruth Bonebrake  
Law Offices of Carol Ruth Bonebrake, P.A.  
107 SW 6<sup>th</sup>, Suite 210  
Topeka, KS 66603

And a copy was hand delivered to the office of:

Stacy Bond, 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

  
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Cathy Brown  
Executive Assistant