

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

FILED CAP
DEC 17 2008
KS State Board of Healing Arts

In the Matter of)	
Subpoena No. 11177)	
)	
Petition to Revoke Subpoena)	Docket No. 09-HA00046
_____)	

JOURNAL ENTRY

NOW on this December 5, 2008 the above captioned matter comes before the Board of Healing Arts of the State of Kansas (Board). The Board appears by Dan Riley, Disciplinary Counsel. Stormont-Vail Regional Health Center (Stormont-Vail) appears by and through counsel, Charles R. Hay. There are no other appearances.

WHEREUPON the Board hears Stormont-Vail's Petition to Revoke Subpoena.

WHEREUPON the Board finds that the subpoenaed information is necessary for Board staff to conduct a full and complete investigation.

WHEREUPON the Board finds that Stormont-Vail does not have the legal authority to selectively comply with a valid Subpoena issued by the Board.

WHEREUPON the Board finds that Subpoena No. 11177 is valid.

WHEREUPON the Board finds that Board staff can get the same information if a non-redacted affidavit is signed by the complainant that states that complainant has reviewed all of the information submitted to the Board and that the information is true and correct.

WHEREFORE the Board denies Stormont-Vail's Petition to Revoke Subpoena No. 11177 and orders Stormont-Vail to comply with the Subpoena or provide an affidavit meeting the requirements set out above.

IT IS SO ORDERED.



Jack Confer
Acting Executive Director
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 and correct copy of the foregoing Final Order was served this 17th day of December, 2008 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Stormont-Vail Regional Health Center
Attn: Mike Lummis, Director of Risk Mgmt.
1500 SW 10th
Topeka, KS 66604

Foulston Siefkin L.L.P.
% Charles R. Hay
Bank of America Tower
Suite 1400
Topeka, KS 66603-3436

And a copy hand delivered to:

Dan Riley
Disciplinary Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603


