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

FEB 26 2010

KS State Board of Healing Arts

In the Matter of)
)
CHARLES HOWARD WEINTZ, D.O.)
Kansas License No. 05-31005)

Docket No.: 10-HA00114

EX PARTE EMERGENCY ORDER OF SUSPENSION

NOW on this 26th day of February, 2010, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. Associate Litigation Counsel Lori D. Dougherty (“Petitioner”) filed a Motion for *Ex Parte* Emergency Order of Suspension. There are no other appearances.

The Presiding Officer has reviewed the agency file in Kansas Board of Healing Arts Docket No. 10-HA00114. The Presiding Officer finds, concludes and orders as follows:

1. This is a motion for an order pursuant to K.S.A. 65-2838 and 77-536. Under those statutes, the Presiding Officer may issue an order without notice and hearing, and may temporarily limit or suspend a license if the Presiding Officer finds an imminent danger to the public health, safety, or welfare.
2. The Presiding Officer has received and reviewed a Motion for an *Ex Parte* Order suspending Licensee license filed with KBHA on February 26, 2010. The motion requests an emergency suspension of Licensee’s license.
3. The motion for an emergency order in the above captioned case alleges that Charles Howard Weintz, D.O. (“Licensee”) is in violation of the Kansas Healing Arts Act:

a. K.S.A. 65-2836 (confidential) (confidential)

(confidential)

b. K.S.A. 65-2836(b), further defined by K.S.A. 65-2837(b)(12), in that he committed conduct likely to deceive, defraud or harm the public in violation of the Kansas Healing Arts Act.

c. K.S.A. 65-2836(s) in that he has been sanctioned or disciplinary actions has been taken against the licensee by a peer review committee, health care facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under the Kansas Healing Arts Act.

4. The motion for an emergency order in the above captioned case incorporates the Petition filed in KSBHA Docket number 10-HA00114 and includes Exhibits 1, 2, 3, and 4; which include a letter dated February 24, 2010, to Kathleen Selzler Lippert from

(confidential)

affidavits from Dr. Jeffrey Henry and Chief Medical Officer of Hays Medical Center Dr. Kenneth Lindsey, and an affidavit from the practice manager Leslie Dexter at Hays Family Medicine.

FINDINGS OF FACT

5. Charles Howard Weintz, D.O.'s last known mailing address to the Board is: 2509 Canterbury Drive, Hays, Kansas 67601.

6. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 05-31005 on approximately April 5, 1997, and having last renewed such license on approximately September 9, 2009.
7. At all times relevant to the allegations set forth in the Motion, Licensee has held a current and active license to engage in the practice of medicine and surgery in the State of Kansas.
8. Licensee presently has an active and unrestricted license to practice medicine and surgery in the state of Kansas.
9. The Presiding Officer finds that Licensee is an imminent danger to the public health, safety, or welfare, due to his inability to practice the healing arts with reasonable skill and safety to patients (confidential)
(confidential)

CONCLUSIONS OF LAW

10. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, fine or otherwise limit Licensee's license for violation of the Kansas Healing Arts Act.
11. Pursuant to K.S.A. 65-2838(c), the Board has the authority to temporarily suspend Licensee's license if there is cause to believe that grounds exist under K.S.A. 65-2836 and amendments thereto for disciplinary action authorized by K.S.A. 65-2836 and amendments thereto against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.
12. Pursuant to K.S.A. 77-536, the Board may use emergency proceeding to protect the public from an immediate danger to the public health, safety or welfare.

13. The Presiding Officer finds there is cause to believe that Licensee has violated K.S.A. 65-2836^(confidential) in that he has the inability to practice the healing arts with reasonable skill and safety to patients (confidential)
- (confidential)
14. The Presiding Officer finds there is cause to believe that Licensee has violated K.S.A. 65-2836(b), further defined by K.S.A. 65-2837(b)(12), Licensee committed conduct likely to deceive, defraud or harm the public in violation of the Kansas Healing Arts Act.
15. The Presiding Officer finds that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.
16. The Presiding Officer further concludes that Licensee's license to practice of medicine and surgery should be immediately suspended until such time as an evidentiary hearing can be scheduled.

IT IS THEREFORE, ORDERED that the license of CHARLES HOWARD WEINTZ, D.O., is hereby immediately suspended.

IT IS FURTHER ORDERED that board counsel shall serve this order in the manner provided by law, and shall complete and file a proof of service.

PLEASE TAKE NOTICE that a hearing on this matter will be scheduled as soon as practicable at the Board office, 235 S. Topeka Blvd., Topeka, Kansas. The issue to be determined is whether the emergency order of suspension should remain in place, be modified or terminated. A Notice of Hearing will be issued.

PLEASE TAKE NOTICE that this is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency

order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. A petition for judicial review is not timely unless filed within 30 days following service of the order. A copy of any petition for judicial review must be served upon Board's Executive Director at 235 S. Topeka Blvd., Topeka, Kansas 66603.

Dated this 26th day of February 2010.

Kansas State Board of Healing Arts

Carolina M. Soria
Carolina M. Soria, M.D., D.O.
Presiding Officer

Prepared by:

Lori D. Dougherty

Lori D. Dougherty, #22696
Associate Litigation Counsel
Kansas Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603
(785)368-8212

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Dated this _____ day of February 2010.

Kansas State Board of Healing Arts

Carolina M. Soria, M.D.
Presiding Officer

Prepared by:

Lori D. Dougherty, #22696
Associate Litigation Counsel
Kansas Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603
(785)368-8212

CERTIFICATE OF SERVICE

I, Cathy Brown, hereby certify that I served a true and correct copy of the Ex Parte Emergency Order of Suspension and for Emergency Proceedings by United States mail, postage prepaid, on this 26th day of February, 2010, to the following:

Charles Howard Weintz, D.O.
Licensee
2509 Canterbury Drive
Hays, Kansas 67601

Charles Howard Weintz, D.O.
Licensee
(confidential)
Hays, Kansas 67601

And a copy was hand-delivered to:

Lori D. Dougherty
Associate Litigation Counsel
Katy Lenahan
Licensing Administrator
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And the original was hand-filed with:

Kathleen Selzler Lippert
Acting Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Cathy A. Brown