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DEC 10 2007

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	
ALEXANDER ~~RUSANOWKSY~~ Rusanowsky, D.P.M.	)	Docket No. 08-HA-00071
Kansas License No. 12-00341	)	
	)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts ("Board"), by and through Kelli J. Stevens, Litigation Counsel ("Petitioner"), and Alexander Rusanowsky, D.P.M. ("Licensee"), and move the Board for approval of a Consent Order affecting Licensee's license to practice podiatry in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is (Confidential) Street, Wichita, Kansas 67218.

2. Licensee is or has been entitled to engage in the practice of podiatry in the State of Kansas, having been issued License number 12-00341 on October 12, 2002. Licensee has held a current federal active license to engage in the practice of podiatry in the State of Kansas, having last renewed his license on August 28, 2007.

3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of podiatry as defined by the Podiatry Act K.S.A. 65-2001 *et seq.*

4. This Consent Order and the filing of such document are in accordance with applicable law and the Board may enter into an informal settlement of this matter as provided by K.S.A. 77-505, without the necessity of proceeding to a formal hearing.

5. Upon approval, the provisions in this Consent Order shall constitute the findings of the Board, and this Consent Order shall be the Board's Final Order.

6. The Kansas Podiatry Act is constitutional on its face and as applied in this case.

7. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

8. Licensee voluntarily and knowingly waives his right to a hearing in this matter in that Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible and substantive and procedural motions and defenses that could be raised if an administrative hearing in this matter were held.

9. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until and authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

10. Petitioner has received information, investigated the same and has reasonable cause to believe that:

a. On approximately August 22, 2006, Licensee reported to work at the Robert Dole Veteran's Administration Medical Center ("V.A.") in Wichita, Kansas, (Confidential)

b. (Confidential)

c. Licensee was placed on administrative leave for the remainder of the day;

d. (Confidential)

e. On approximately December 28, 2006, Licensee reported to work at the V.A. and was noted to be behaving in an improper manner;

f. (Confidential)

g. (Confidential) Licensee admits he was unfit for duty;

h. The V.A. placed Licensee on administrative leave;

i. (Confidential)

j. (Confidential)

(Confidential)

11. Petitioner has reason to believe there are grounds for discipline against Licensee's license (Confidential)

(Confidential)

12. Petitioner has reason to believe there are grounds for discipline against Licensee's license (Confidential)

(Confidential)

13. Pursuant to K.S.A. 65-2006, the Board has grounds to discipline Licensee's license to practice podiatry in the State of Kansas.

14. According to K.S.A. 77-505, the Board has the authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

15. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following non-disciplinary monitoring provisions with respect to his license to engage in the practice of podiatry in the State of Kansas.

(Confidential)

a. (Confidential)

b.

c. (Confidential)

d. (Confidential)

e. (Confidential)

f. (Confidential)

g. (Confidential)

h. (Confidential)

16. These (Confidential) provisions shall remain in effect for at least three (3) years from the date (Confidential) At the end of the three (3) year timeframe, Licensee may request the termination (Confidential)

17. For any period(s) of time that Licensee is not actively practicing in Kansas, the (Confidential) provisions of this Consent Order shall be tolled and not be counted in reducing the required timeframe (Confidential)

18. Licensee's failure to comply with the provisions of this Consent Order will result in the Board initiating disciplinary action to immediately suspend Licensee's license pursuant to and in compliance with the Kansas administrative procedure act.

19. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the respiratory therapy practice act, or to investigate complaints received under the risk management law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the podiatry act.

20. Licensee hereby releases the Board, its employees and agents, from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Board, its employees or agents, arising out of acts leading to the execution of this Consent Order or the content of this Consent Order.

21. Licensee further understands and agrees that upon signature by Licensee, this document shall be reported to all reporting entities authorized to receive disclosure of this Consent Order.

22. A protective order is hereby entered to protect all confidential information (Confidential)

23. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

24. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

25. Licensee, by signature to this document, waives any objection to the participation of the Board members and General Counsel in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceeding on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

26. Licensee acknowledges that he has read this Consent Order, fully understands the contents and acknowledges that this Consent Order has been entered into freely and voluntarily.

27. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

28. Licensee shall obey all federal, state and local laws and rules governing the practice of respiratory therapy in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

29. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

30. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that a protective order is hereby entered to protect all confidential information (Confidential)

IT IS FURTHER ORDERED that Licensee's license to practice podiatry is subject to the non-disciplinary monitoring provisions contained in paragraph fifteen (15) for a period of at least three (3) years as follows:

(Confidential)

a. (Confidential)

b. (Confidential)

c. (Confidential)

d. (Confidential)

e. (Confidential)

f. (Confidential)

g. (Confidential)

(Confidential)

h. (Confidential)

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS

Lawrence T. Buening, Jr.
Executive Director

Date 12/10/07

Alexander Rusanowsky, D.P.M.
Licensee

Date 9/28/07

PREPARED AND APPROVED BY:

Kelli J. Stevens, #16032
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603
(785) 296-7942

Attorney for Petitioner

CERTIFICATE OF SERVICE

I, Lawrence T Buening, JR, of the Kansas State Board of Healing Arts, hereby certify that I served a true and correct copy of the above **Consent Order** by United States mail, first-class, postage prepaid, on the 10th day of December, 2007, and addressed to:

Alexander Rusanowsky, D.P.M.
Confidential
Wichita, Kansas 67218

and a copy was hand-delivered to:

Kelli J. Stevens, Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was hand-delivered for filing to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Lawrence T. Buening Jr.
Signature