FILED
FEB 23 2015
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
J.S. SPITZER, M.D.	)	
	)	**KSBHA Docket No. 15-HA00060**
Kansas License No. 04-12787	)	
	)	

FINAL ORDER

NOW on this 13th day of February, 2015, comes before the Kansas State Board of Healing Arts ("Board") the Request for Exception filed by J.S. Spitzer, M.D. (Licensee) in the above-captioned matter. Licensee appears in person and *pro se*. Reese Hays, Litigation Counsel, appears on behalf of the Board.

In accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, specifically K.S.A. 2010 Supp. 77-529, the Board hereby enters this Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, and being otherwise advised in the premises, the Board makes the following findings, conclusions and order:

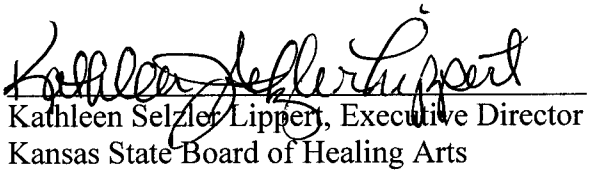
1. Licensee currently holds an exempt license to practice medicine and surgery as defined in K.S.A. 65-2809(f).
2. K.S.A. 65-2809(f), allows an exempt license holder to serve as a coroner or a paid employee of a local health department or an indigent health care clinic.
3. Licensee has been approached to be employed by Horizons Mental Health Center in Hutchinson, Kansas. Horizons Mental Health Center is neither a local health department nor an indigent health care clinic as defined by K.S.A. 65-241 or K.S.A. 75-6201 and amendments thereto.

4. Licensee submitted Exhibit A to the Board which contains eight (8) paragraphs describing Licensee's duties as the primary care consultant for Horizons Mental Health Clinic.

5. The Board concludes that paragraphs 1, 4, 7, and 8 of Licensee's Exhibit A would constitute the active practice of medicine if performed by Licensee with an exempt license, and are therefore prohibited by K.S.A. 65-2809(f).

6. The Board further concludes that paragraphs 2, 3, 5, and 6 would be permitted activities under Licensee's exempt licensure.

IT IS SO ORDERED THIS 23 DAY OF Feb, 2015, 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, 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, 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** was served this 23rd day of Feb., 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

J.S. Spitzer, MD
Confidential

Hutchinson, KS 67502

And a copy was hand-delivered to:

Reese Hays
Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

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

And the original was filed with the office of the Executive Director.

Cathy A. Brown
Cathy Brown, Executive Assistant