

**EFFECTIVE AS A
FINAL ORDER**

DATE: 8/11/2014

FILED
JUN 12 2014

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

KS State Board of Healing Arts

In the Matter of)
)
Kenneth H. Weisiger, M.D.)
Kansas License No. 04-29796)
_____)

KSBHA Docket No. 14-HA 00151
Investigation No. 14-00330

SUMMARY ORDER

NOW ON THIS 12th day of June, 2014, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Kenneth H. Weisiger, M.D. ("Licensee") was originally issued license number 04-29796 to practice medicine and surgery in the state of Kansas on August 17, 2002. Licensee's current license designation is active, and such license was last renewed on or about July 1, 2013.

2. Licensee's last known mailing address to the Board is: 14062 Denver West Parkway, Building 52 Suite 150, Lakewood, Colorado 80401.

3. On or about April 3, 2014, the Board received a Federation of State Medical Boards (FSMB) Disciplinary Report that indicated the Colorado Medical Board had taken action

Kenneth H. Weisiger, M.D.
License No. 04-29796
Summary Order

against Licensee's license to practice medicine and surgery in Colorado on March 31, 2014, in the form of a Letter of Admonition, and by placing a Permanent Restriction on Licensee's ability to practice critical care/intensive care medicine for unprofessional conduct as defined in Section 12-36-117(1), (p), C.R.S.

4. On or about November 13, 2013, The Colorado Medical Board's Inquiry Panel B reviewed case number 2012-6835-B and found care provided by Licensee to seven (7) critical care patients provided reasonable grounds to conclude that Licensee had violated the Colorado Medical Practice Act, Section 12-36-101, *et. seq.*, C.R.S. and that an imminent threat to public health, safety or welfare required emergency action. The Inquiry Panel B voted to summarily suspend Licensee's license to practice medicine in the State of Colorado pursuant to Section 24-4-104(4), C.R.S.

5. In lieu of the summary suspension, the Colorado Medical Board and Licensee entered into an Interim Cessation of Practice Agreement pending further evaluation and investigation on or about November 20, 2013. The summary suspension was stayed pursuant to the terms of the Interim Cessation of Practice Agreement.

6. On or about March 31, 2014, the Colorado Medical Board and Licensee entered into a Stipulation and Final Agency Order as a settlement of all matters involved in case 2012-6835-B. By entering into the Stipulation and Final Agency Order, Licensee admitted that his care of the seven (7) critical care patients "from June 2009 through October 2012 fell below generally accepted standards of medical practice." Licensee also admitted that his care showed a pattern of substandard care demonstrating Licensee "delayed the initiation of critical care or otherwise was too slow to respond to patient conditions that required urgent care."

7. Subsequently, Licensee admitted and the Colorado Medical Board found that Licensee's conduct constituted unprofessional conduct as defined in Section 13-36-117(1), (p), C.R.S. The Colorado Medical Board's Stipulation and Final Agency Order constituted a Letter of Admonition and placed permanent restrictions on Licensee's license to practice medicine in Colorado.

8. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board's Disciplinary Panel No. 29. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

Applicable Law

9. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(j) That licensee has had a license to practice the healing arts revoked, suspended, has been censured, or has had other disciplinary action taken or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

Conclusions of Law

10. The Board finds that Licensee violated K.S.A. 65-2836(j) when he was permanently restricted from practicing critical care/intensive care medicine by the Colorado Medical Board on March 31, 2014.

11. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A.

77-537(a) in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

12. The action of public censure and permanent restriction from critical care/intensive care medicine to include the restriction on consultation, management, treatment, and performing procedures on critical care patients, is within the scope of The Board of Healing Arts of the State of Kansas Guidelines for Imposition of Disciplinary Sanctions for the violations set forth above.

IT IS, THEREFORE, ORDERED that Licensee is **PUBLICLY CENSURED** for violating K.S.A. 65-2836(j) of the Kansas Healing Arts Act.

IT IS FURTHER ORDERED that Licensee's Kansas license is **PERMANENTLY RESTRICTED FROM CRITICAL CARE/INTENSIVE CARE MEDICINE** for violating K.S.A. 65-2836(j) of the Kansas Healing Arts Act.

IT IS FURTHER ORDERED that Licensee shall be **PERMANENTLY RESTRICTED FROM PROVIDING CONSULTATION, MANAGEMENT OR TREATMENT OF CRITICAL CARE OR INTENSIVE CARE PATIENTS** for violation of K.S.A. 65-2836(j) of the Kansas Healing Arts Act.

IT IS FURTHER ORDERED that Licensee shall be **PERMANENTLY RESTRICTED FROM PERFORMING PROCEDURES ON CRITICALLY ILL PATIENTS**, including, but not limited to the following: airway management and endotracheal intubation; ventilator management and noninvasive ventilation; insertion and management of chest tubes and thoracentesis; advanced cardiac life support; placement of arterial, central venous, and pulmonary artery balloon flotation catheters; calibration and operation of hemodynamic recording systems; ultrasound to guide central line placement or thoracentesis;

pericardiocentesis; transvenous pacemaker insertion; continuous renal replacement therapy and hemodialysis; and fiberoptic bronchoscopy for violation of K.S.A. 65-2836(j) of the Kansas Healing Arts Act.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 12th day of June, 2014.

KANSAS STATE BOARD OF HEALING ARTS



Kathleen Selzler Lippert,
Executive Director

FINAL ORDER 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 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, Kansas Board of Healing Arts, 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 1st day of Aug., 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Kenneth H. Weisiger, MD
14062 Denver West Parkway, Building 52 Suite 150
Lakewood, CO 80401

And a copy was hand-delivered to:

Susan R. Gering, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Cathy Brown, Executive Assistant