



BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
BRIAN P. LAHEY, M.D.)
)
)
Kansas License No. 04-33861)
_____)

KSBHA Docket No. 19-HA00005

FINAL ORDER

**APPROVAL OF PART-TIME:
PRACTICE SITE; WORKSITE MONITOR; AND PATIENT CHAPERONE**

NOW on this 12th day of April 2024, comes before the Kansas State Board of Healing Arts (“Board”) the request of Brian P. Lahey, M.D. (“Licensee” or “Dr. Lahey”), for approval of an additional new part-time: practice site; worksite monitor; and patient chaperone. Licensee appears in person, *pro se*. Sebastian Orosco, Associate Litigation Counsel, appears on behalf of the Respondent, Disciplinary Panel #33 (“DP #33”).

Pursuant to the authority granted to Board by K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving evidence, and being otherwise advised in the premises, the Board makes the following findings, conclusions, and order:

1. Dr. Lahey is licensed as a medical doctor (M.D.) in the State of Kansas, having been issued active License No. 04-33861 on or about July 1, 2009.

2019 Consent Order

2. On or about April 16, 2019, a Consent Order was issued against Dr. Lahey’s Kansas M.D. license.

2020 First Amended Consent Order

3. On or about June 19, 2020, the 2019 Consent Order was amended by the 2020 First Amended Consent Order. The First Amended Consent Order imposed the following limitations on Dr. Lahey's Kansas M.D. license:

- a. Dr. Lahey may practice in an institutional setting;
- b. Dr. Lahey may practice in a group practice but shall not treat female patients;
- c. Dr. Lahey shall not practice in a solo, office sharing, or similar settings;

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f. Dr. Lahey shall have a workplace monitor to supervise his practice for a period of two years. **CONFIDENTIAL**

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g. Dr. Lahey shall maintain impeccable professional boundaries and will have no personal or social relationships with patient regardless of gender;

h. Dr. Lahey shall not treat any patients without having a chaperone present at all times. Any proposed chaperone must speak with the Board (or designated staff member) and be approved by the Board;

h. For five years the chaperone shall create, maintain, and submit to the Board a daily log of all patients seen by Dr. Lahey;

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2022 Final Order

4. On or about June 27, 2022, the Board issued a Final Order – Approval of Patient Chaperone and Approval of Change of Designation of License (“Final Order”). The Final Order approved a change in designation of Dr. Lahey’s Kansas M.D. license from inactive to **active with limitations**. The Final Order approved: (1) Dr. Lahey’s current part-time practice at Rolling Hills Creative Living (“RHCL”); (2) the current patient chaperone; (3) the current worksite practice monitor; and (4) continuation of all provisions of the 2019 Consent Order and 2020 First Amended Consent Order.

5. On or about October 16, 2023, Dr. Lahey requested the Board approve of a proposed additional new part-time; (1) practice site; (2) worksite monitor; and (3) patient chaperone.

6. Dr. Lahey proposes to engage in the private practice of psychiatry and mental health services at Interpersonal Psychiatry (“IP”), treating only male patients, providing: (1) psychiatric evaluations; (2) assessments; (3) diagnosing; (4) prescribing medication; and (5) providing therapy and psycho-education services. All active practice at Interpersonal Psychiatry will be part-time, in addition to Dr. Lahey’s part-time work at RHCL. Dr. Lahey’s part-time practice will be limited to the Lawrence, Kansas office of Interpersonal Psychiatry. This office is staffed by two additional prescribers and several therapists.

7. Dr. Lahey proposes Anissa Pfannenstiel, LSCSW, serve as worksite monitor. Ms. Pfannenstiel has over seven years of experience as the Clinical Director at Interpersonal Psychiatry. In addition to her Clinical Director experience, she supervises a staff of 40 practitioners, therapists, and support staff. Ms. Pfannenstiel currently serves as a worksite

monitor for another psychiatrist and understands the role and expectations of a worksite monitor. As worksite monitor, Ms. Pfannenstiel will; (1) oversee the day-to-day work that Dr. Lahey performs; (2) oversee the patient chaperone; (3) will collaborate with all necessary parties; and (4) report to the Board as required.

8. Dr. Lahey proposes Sean Viteri, serve as patient chaperone. Sean Viteri has almost two years of experience at Interpersonal Psychiatry in various capacities, such as accounting, payroll, human resources, and management. As patient chaperone, Sean Viteri will be present with Dr. Lahey for all patient sessions. Sean Viteri understands; the role and expectations of a patient chaperone under the Board's orders; that the patient chaperone reporting model used at Dr. Lahey's current part-time practice at RHCL will be followed at Interpersonal Psychiatry; and is willing to serve as Dr. Lahey's patient chaperone.

9. The First Amended Consent Order requires the proposed chaperone to be an adult, to speak with the Board, and to be approved by the Board prior to functioning as Dr. Lahey's chaperone. Sean Viteri appeared by live video at the hearing and testified regarding his role and responsibilities as a patient chaperone.

10. Dr. Lahey proposes Ethan Bickelhaupt, MD, serve as clinical monitor. Dr. Bickelhaupt is a psychiatrist and holds a current active license to practice medicine and surgery in Kansas, having been issued an original active license in 1979. Dr. Bickelhaupt's 40+ year practice includes family medicine and psychiatry, addiction psychiatry, and leadership positions. Dr. Bickelhaupt is currently the Medical Director at Clinical Associates of Lenexa, Kansas. Clinical Associates specializes in substance abuse and psychiatric services. As clinical monitor, Dr. Bickelhaupt will review charts, periodically meet with Licensee to discuss patient issues, and will provide reports to the Board as required.

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13. On or about January 3, 2024, DP #33 filed a Response to Licensee's Request for Approval of Proposed Practice, Worksite Monitor, and Patient Chaperone. The Response noted Dr. Lahey's compliance with **CONFIDENTIAL** Board orders and did not object to the 2024 proposed part-time practice requests listed above. The Response stated that authorizing the proposed plan advances the Board's mission in protecting the public while also rehabilitating a licensed Kansas healthcare practitioner.

Conclusions of Law

14. K.S.A. 65-2801 states the purpose of the Board and the healing arts act is to properly protect the public against unprofessional, improper, unauthorized, and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

15. K.S.A. 65-2836 provides that a licensee's license may be revoked, suspended, or limited, or the licensee may be publicly censured or placed under probationary conditions if the licensee has violated any of the 31 provisions listed in the statute.

Order

IT IS THEREFORE ORDERED

1. Subject to the provisions of this Final Order, the following individuals are **APPROVED** by the Board to function in roles as follows:

Anna Pfannenstiel, LSCSW, as worksite practice monitor.

Dr. Ethan Bickelhaupt, M.D., as clinical monitor.

Sean Viteri as patient chaperone subject to the following requirements:

- a. Sean Viteri will (i) accompany each patient seen by Dr. Lahey; and (ii) be physically present in the room through the duration of the entire patient visit – at no time and under no circumstance will Dr. Lahey be alone with a patient.
- b. Sean Viteri will meet weekly with Anissa Pfannenstiel, LSCSW (Dr. Lahey's worksite practice monitor) about the care that Dr. Lahey's patients are receiving.
- c. Sean Viteri shall submit the monthly reports listed below to the Board's Compliance Coordinator to be received on or before the 15th day of the following month:
 - i. a daily log (created and maintained by Sean Viteri) identifying by a numbering system that can be correlated to the IP patient identity of all patients seen by Dr. Lahey that day; and
 - ii. a summary report of the weekly meetings between Sean Viteri and Anissa Pfannenstiel evaluating Dr. Lahey's care and treatment of patients at IP. This summary report is to be signed by both Anissa Pfannenstiel and Sean Viteri.
- d. The patient chaperone provisions are not self-terminating. After a period of five years, Dr. Lahey may submit a written request to the Board to modify or terminate these provisions.

2. Dr. Lahey shall not see or treat female patients.

3. Any change in the personal involvement or level of participation of: (i) Sean Viteri as patient chaperone; (ii) Anna Pfannenstiel, LSCSW, as worksite practice monitor; or (iii) Dr. Ethan Bickelhaupt, M.D., as clinical monitor, must receive prior approval in writing from the Board.

4. Dr. Lahey's practice under this order is **LIMITED** to seeing IP patients for psychiatric visits at the IP office in Lawrence, Kansas. All of Dr. Lahey's patient visits shall be with Sean Viteri present in person functioning as his patient chaperone in compliance with the chaperone requirements listed above. Dr. Lahey's active license is limited to practicing in strict compliance with the above-described practice location and IP psychiatric patient population. Dr. Lahey must receive prior approval in writing from the Board for any change in these practice requirements.

5. Unless specifically modified by the provisions of this final order, all provisions of the Board's prior Consent Orders and Orders remain and continue in full effect.

IT IS SO ORDERED this 13th day of May 2024.

KANSAS STATE BOARD OF HEALING ARTS

Susan Gile

Susan Gile, 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 Susan Gile, Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing **Final Order Approval of Part-Time: Practice Site; Worksite Monitor; and Patient Chaperone**, by depositing the same in the United States mail, postage prepaid, on this 13th day of May 2024, addressed and emailed to:

Brian P. Lahey, M.D.

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Licensee

And a copy hand delivered to:

Sebastian Orosco, Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
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and the original filed with the office of the Executive Director.


Staff Signature