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BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
TIMOTHY P. GATSCHET, M.D.)
Kansas License No. 04-21741)
)
)
)

Case No.: 98-00102

STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER

COME NOW, the Kansas State Board of Healing Arts ("Board") by and through Kevin K. LaChance, Disciplinary Counsel ("Petitioner"), and Timothy P. Gatschet, M.D. ("Applicant"), represented by legal counsel Jeffrey D. Wicks, and stipulate and agree to certain terms. Stacy L. Cook, Associate Counsel, has been designated to pursue this matter on behalf of Disciplinary Counsel. Petitioner and Applicant hereby stipulate and agree as follows:

1. The Board is the sole and exclusive administration agency in the State of Kansas authorized to regulate the practice of healing arts, specifically the practice of medicine and surgery. K.S.A. 65-2801 et seq.; K.S.A. 65-2869.

2. Applicant admits that this Stipulation and Agreement and Enforcement Order ("Stipulation") and the filing of such document are in accordance with applicable law and that the Board has jurisdiction to consider the Stipulation.

3. Applicant agrees that the Kansas Healing Arts Act is constitutional on its face and as applied in this case.

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

5. Applicant was entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued

license number 04-21741 on June 19, 1987. Applicant held a current license to engage in the practice of medicine and surgery in the State of Kansas until December 31, 1993, at which time, Applicant voluntarily surrendered his license to practice medicine and surgery in the State of Kansas.

6. Applicant applied for reinstatement of his license. In seeking reinstatement of a license to practice medicine and surgery in the State of Kansas, Applicant agrees to the conditions and terms set forth herein.

7. According to K.S.A. 65-2838(b), the Board has authority to enter into this Stipulation without the necessity of proceeding to a formal hearing.

8. Upon signature of the Applicant and an authorized signature of the Board placed upon this Stipulation, Applicant voluntarily and knowingly waives his right to a hearing concerning his application for licensure to practice medicine and surgery. Applicant voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

9. The terms and conditions of the Stipulation 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 Stipulation shall not be binding on

the Board until an authorized signature of the Board is affixed at the end of this document. When Applicant signs this document, the document shall be deemed a unilateral contract and agreement and shall bind Applicant to the terms and conditions set forth herein regardless of whether the Presiding Officers signature is affixed to the document. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Stipulation on behalf of the Board.

10. In consideration of the conditions, terms, covenants, and promises contained herein, the parties agree as follows:

(a) In lieu of the commencement of formal proceedings and/or the making of findings by the Board, Applicant, by signature affixed to this Stipulation, hereby voluntarily agrees to the following measures placed on his license to engage in the practice of medicine and surgery in the State of Kansas:

(i) Applicant's practice is limited to geriatric patients in a nursing home setting and evaluation of patients for possible admission into a nursing home, and shall be limited to Applicant's employment with Wichita Psychiatric Consultants, L.L.C.

(a) Should the Applicant choose to leave the employ of Wichita Psychiatric Consultants, L.L.C., or practice outside the area of geriatric patients, Applicant shall, before being allowed to practice the healing arts at any new employment, make arrangements for a supervisory individual as outlined in subparagraph (viii) of this section at his prospective place of employment. Applicant shall notify the

Board of his desire to change employment and of his arrangement of supervision. The Board shall then consider whether or not to approve the employment modification requested by the Applicant.

(ii) Applicant shall also be allowed to perform administrative review duties, including but not limited to peer review, disability determination, and other similar administrative functions.

(iii) Applicant shall not practice psychotherapy on any patients.

(iv) Applicant must physically have present when applicant sees any patient, a health care provider, RN, LPN, CNA, or CMA and said individual may not be related to the applicant nor be an employee of the applicant.

(v) Applicant shall not provide any treatment to males under the age of eighteen years.

(vi) Applicant shall not have a private practice and shall not provide care to any persons outside of his employment with Wichita Psychiatric Consultants, L.L.C., except where outlined in Sections (a)(i), (ii) above, and (ix) below.

(vii) (Confidential)

(Confidential)

(viii) Paul W. Murphy, M.D., shall monitor Applicant in his practice. Applicant shall ensure that Paul W. Murphy, M.D., provides to Stacy L. Cook at the Board offices a monthly report. The report shall state whether Applicant is currently

employed by Wichita Psychiatric Consultants, L.L.C., and whether Applicant has deviated from the applicable standards of care. In addition, Paul W. Murphy, M.D., shall immediately notify Stacy L. Cook if he receives information that Applicant has acted inappropriately with any person connected to Applicant's practice of the healing arts. Applicant shall ensure that the report of Paul W. Murphy, M.D., is provided to Stacy L. Cook fifteen days after the end of each month.

(ix) Applicant shall not prescribe any medications to himself, but may provide basic medical evaluations for members of his immediate family. However, applicant shall not prescribe psychotropic medication to any member of his family.

(x) Applicant may petition the Board for change in this Stipulation after two years. This section shall not bar the Applicant from petitioning for a change in employment as outlined in section (a) (i) (a) as outlined above prior to the two year time period.

(b) This Stipulation constitutes a limitation of the Applicant's license to practice medicine and surgery in the State of Kansas.

(c) Nothing in this subsection is intended to prevent the subject matter of this Stipulation from being used as evidence, in conjunction with any future violations by Applicant, of the disciplinary provisions of the Healing Arts Act.

(d) Applicant's failure to comply with the provisions of the Stipulation may result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

(e) Nothing in this agreement shall be construed to deny the Board jurisdiction to investigate other alleged violations of the Healing Arts Act, to initiate formal proceedings based upon known or unknown allegations of the violations of the Healing Arts Act, or to investigate complaints received under the Kansas Risk Management Law, K.S.A. 65-4921 et seq. that are known or unknown to the Board at the present time.

(f) Applicant 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 an nature that Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant 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 Stipulation or the content of this Stipulation.

(g) Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record, and shall be reported to the National Practitioner Databank, Federation of State Medical Boards, and any other reporting entities requiring disclosure of this Stipulation.

(h) This Stipulation, 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.

(i) Applicant 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 Applicant is not present. Applicant 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.

(j) Applicant, by signature to this document, waives any objection to the participation of the Board members, who take part in this mediation, in the consideration of this offer of settlement, and agrees not to seek the disqualification or recusal of these Board members in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

(k) Applicant acknowledges that he has read this Stipulation and fully understands the contents.

(l) Applicant acknowledges that this Stipulation has been entered into freely and voluntarily.

(m) All correspondence or communication between Applicant and the Board relating to this Stipulation shall be by mail addressed to the Kansas State Board of Healing Arts, Attn:

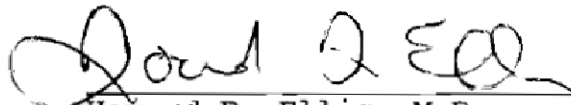
Office of the Disciplinary Counsel, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

(n) Applicant shall obey all federal, state and local laws and rules governing the practice of medicine and surgery in the State of Kansas that may be in place at the time of execution of the Stipulation or may become effective subsequent to the execution of this document.

(o) Upon execution of this Stipulation by affixing a Board authorized signature below, the provisions of this Stipulation shall become an Order under K.S.A. 65-2838. This Stipulation shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

IN WITNESS WHEREOF, the parties have executed this agreement on this 6 day of July, 1998.

KANSAS STATE BOARD OF HEALING ARTS



Howard D. Ellis, M.D.
Presiding Officer

7/6/98
Date

Timothy P. Gatschet, M.D.
Timothy P. Gatschet, M.D.

June 9, 1998
Date

Prepared By:

Stacy L. Cook 6/17/98
Stacy L. Cook, #16385
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068
(913)296-7413

Approved as to form by:

Jeffrey D. Wicks
Jeffrey D. Wicks #17643
Attorney for Licensee
TURNER AND BOISSEAU, Chartered
3900 Broadway
Great Bend, Kansas 67530
(316)792-2441

CERTIFICATE OF SERVICE


I, Stacy L. Cook, Associate Counsel, Kansas Board of Healing Arts, hereby certify that I served a true and correct copy of the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** by United States mail, postage prepaid, on this Eighteen day of July, 1998, to the following:

Jeffrey D. Wicks
Attorney for Licensee
Turner and Boisseau, Chtd.
3900 Broadway
Great Bend, Kansas 67530

Timothy P. Gatschet, M.D.
505 Lelyn Ave.
Victoria, Kansas 67671

and the original was hand-delivered to:

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


~~Stacy L. Cook~~
Mark W. Stafford

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AUG 27 2007

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

KS State Board of Healing Arts

In the Matter of)
Timothy Gatschet, MD)
Kansas License No. 04-21741)
_____)

Docket No. 08-HA00012

FINAL ORDER

NOW ON THIS 18th day of August, 2007, comes before the Kansas State Board of Healing Arts ("Board") the Petitioner's Petition for Disciplinary Action. Respondent Timothy Gatschet appears in person and by counsel, Steve Schwarm of Polsinelli, Shalton, Welte & Suelthaus, P.C. Kelli J. Stevens, Litigation Counsel, appears for the Board.

Having the agency record before it, hearing the statements of counsel, and being duly advised in the premises, the Board finds, concludes and orders as follows:

1. On or about December 31, 1993, Licensee entered into a Stipulation and Agreement and Enforcement Order to voluntarily surrender his license to practice medicine and surgery.
2. Licensee's license was subsequently reinstated pursuant to a Stipulation and Agreement and Enforcement Order filed on July 8, 1998.
3. The stipulation filed on July 8, 1998, limits the scope of Licensee's license.
4. Licensee's license is limited to treating geriatric patients in a nursing home setting and the evaluation of patients for possible admission into a nursing home through Licensee's employment with Wichita Psychiatric Consultants, L.L.C. However, the Stipulation allows Licensee to petition the Board to change his employment and supervisor arrangement.

5. According to the 1998 Stipulation, Licensee is prohibited from providing treatment to any males under the age of eighteen (18) years.

6. According to the 1998 Stipulation, Licensee is allowed to provide basic medical evaluations for members of his immediate family. However, Licensee is prohibited from prescribing **(Confidential)** medication to any member of his family.

7. Licensee admits that on one occasion he renewed his **(Confidential)** prescription for **(Confidential)** which was originally prescribed by another physician.

8. Licensee also admits that on one occasion he treated his **(Confidential)** with antibiotics for an ear infection that occurred on a weekend.

9. The Board finds that **(Confidential)** is a psychotropic drug.

10. The Board further finds that Licensee violated the terms of his 1998 Stipulation by prescribing **(Confidential)** to his **(Confidential)**

11. The Board further finds that Licensee violated the terms of his 1998 Stipulation by treating his **(Confidential)** ear infection. The 1998 Stipulation prohibits the treatment of any males under the age of eighteen (18) years. While the Stipulation provided an exception for the basic medical evaluation of immediate family members, the Board finds that by *treating* his minor **(Confidential)** ear infection, Licensee exceeded the scope of the exception which only allows for the *evaluation* of immediate family members.

12. The Board finds that Licensee's employment with Wichita Psychiatric Consultants, L.L.C. was terminated as of June 22, 2007.

13. The Board further finds that Licensee has not requested a change in employment and supervision arrangement, but that Licensee has not practiced the healing arts since his employment with Wichita Psychiatric Consultants, L.L.C. was terminated.

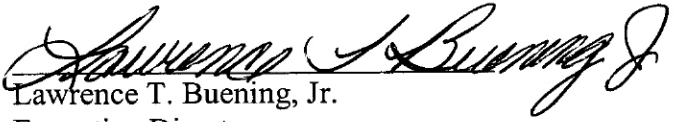
IT IS, THEREFORE, ORDERED that Licensee is hereby publicly censured for violating the terms of his Stipulation and Agreement and Enforcement Order filed on July 8, 1998.

IT IS FURTHER ORDERED that Mark McCune, M.D. has been appointed as the Board's designee to approve any future requests by Licensee for the approval of his employment and supervisory arrangement.

PLEASE TAKE FURTHER 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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 21st day of August, 2007.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I, the undersigned, hereby certify that a true copy of the foregoing Final Order was served this 25th day of August, 2007, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Timothy P. Gatschet, M.D.
2511 Victoria Rd
Victoria , KS 67671

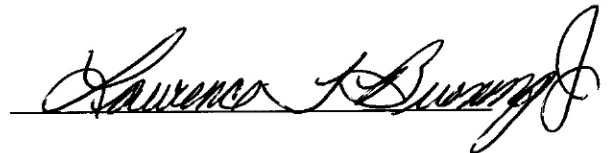
and

Steve Schwarm
Polsinelli, Shalton, Welte & Suelthaus, P.C.
555 S. Kansas Avenue, Ste. #101
Topeka, Kansas 66603

and a copy was hand-delivered to the office of

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

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



Lawrence T. Swartz

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APR 06 2009

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

KS State Board of Healing Arts

In the Matter of)
)
TIMOTHY P. GATSCHET, M.D.)
Kansas License No. 04-21741)
_____)

Docket No. 08-HA-00187

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts ("Board") by and through Janith A. Davis, Associate Counsel ("Petitioner"), and Timothy P. Gatschet ("Licensee"), by and through his counsel Paul Oller, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known mailing address as provided to the Board is 777 N. Silver Springs, #1104, Wichita, Kansas 67212.
2. 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. 04-21741 on approximately June 19, 1987. In 1993, Licensee's license was surrendered/revoked (KSBHA case #9300061) for inappropriate conduct and licensee was subsequently convicted in 1996 of three (3) felony counts of attempted enticement of a child. In 1998, Licensee's license was reinstated (KSBHA case # 9800102) and limited in scope to geriatrics in an approved practice setting, prohibiting him from psychotherapy, and prohibiting from prescribing to himself and prescribing psychotropic drugs to his family members. Licensee currently has an inactive license to engage in the practice of

medicine and surgery in the State of Kansas, having last renewed his license on approximately July 1, 2008.

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 medicine and surgery. K.S.A. 65-2801 *et seq.*; K.S.A. 65-2869.

4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not beyond its jurisdiction as provided by law.

6. Licensee voluntarily and knowingly waives his right to a hearing. 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 substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

7. 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 an 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.

8. At all relevant times hereto, Licensee has been actively practicing in the specialty of psychiatry.

9. Petitioner filed a disciplinary Petition on May 6, 2008 alleging that Licensee had committed acts constituting unprofessional and/or dishonorable conduct in violation of the Healing Arts Act, K.S.A. 65-2836(b) and K.S.A. 65-2837(b)(12). The specific allegations are set forth in the Petition filed on May 6, 2008.

10. **(Confidential)**
(Confidential)

11. **(Confidential)**
(Confidential)

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

13. **(Confidential)**
(Confidential)

(Confidential)

15. Licensee consents to a finding that he presently has a condition which renders him unable to practice with reasonable skill and safety to patients as contemplated by K.S.A. 65-2836(i).

16. Licensee violated K.S.A. 65-2836(b), 65-2836(i) and K.S.A. 65-2837(b)(12).

17. Licensee waives his right to contest the allegations contained in the Petition and consents to a finding that there are grounds for discipline against his license based on such allegations.

18. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without necessity of proceeding to a formal hearing.

19. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 22 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

20. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary measures against his license to engage in medicine and surgery in the State of Kansas:

- a. Licensee hereby **SURRENDERS** his license to practice medicine and surgery, effective upon filing of this Consent Order with the Board. Such surrender shall be treated as a revocation for all purposes, including reporting. Licensee may not apply for

reinstatement of his license until three (3) years after the date the Consent Order is filed with the Board;

- b. Licensee agrees that if he applies for reinstatement of his license, such application will be considered by the Board in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas State Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, laws and rules and regulations regarding the qualifications for licensure and reinstatement; and
- c. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in the Petition will be considered as findings of fact and conclusions of law.
- d. Licensee shall place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board within twenty (20) days of the date that this Consent Order is adopted, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.

21. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.

22. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts 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 Healing Arts Act.

23. 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 Stipulation or the content of this Stipulation.

24. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record, and shall be reported to the National Practitioner Databank, Federation of State Medical Boards and any reporting entities authorized to receive disclosure of this Consent Order.

25. 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.

26. 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.

27. 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.

28. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

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

30. Licensee shall obey all federal, state, and local laws and rules governing the practice of medicine and surgery 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.

31. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. 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.

32. 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, and is the Order of the Board.


IT IS FUTHER ORDERED that:

- a. Licensee hereby **SURRENDERS** his license to practice medicine and surgery, effective upon filing of this Consent Order with the Board. Such surrender shall be treated as a revccation for all purposes, including reporting. Licensee may not apply for reinstatement of his license until three (3) years after the date the Consent Order is filed with the Board;
- b. Licensee agrees that if he applies for reinstatement of his license, such application will be considered by the Board in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by Vakas v. The Kansas State Board of Healing Arts, 248 Kan. 589 (Kan. 1991), and all applicable statutes, laws and rules and regulations regarding the qualifications for licensure and reinstatement; and

- c. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in the First Amended Petition will be considered as findings of fact and conclusions of law.
- d. Licensee shall place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board within twenty (20) days of the date that this Consent Order is adopted, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.

IT IS SO ORDERED.

**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**



Jack Confer
Acting Executive Director



Timothy P. Gatschet, M.D.
Licensee

April 6, 2009
Date

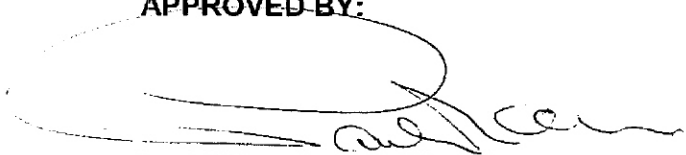
March 30, 2009
Date

PREPARED BY:



Janith A. Davis, #18115
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

APPROVED BY:



Paul Oller
Attorney for Licensee
110 W. 10th Street
Hays, Kansas 67601

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing **CONSENT ORDER** was served the 6th day of April, 2009, by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Timothy P. Gatschet, M.D.
777 N. Silver Springs, #1104
Wichita, Kansas 67212

Paul Oller
Licensee's Attorney
111 W. 10th Street
Hays, Kansas 67601

and a copy was hand-delivered to:

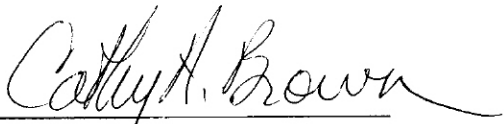
Janith A. Davis, Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and a courtesy copy was hand-delivered to:

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was hand-delivered for filing to:

Jack Confer, Acting Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068


Signature

FILED *CAF*

DEC 18 2008

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

KS State Board of Healing Arts

In the Matter of)	
)	Docket No.: 08-HA-00187
Timothy P. Gatschet, M.D.)	
Kansas License No. 04-21741)	

EMERGENCY EX PARTE ORDER OF SUSPENSION

NOW on this 16th day of December 2008, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. Janith A. Davis, Associate Counsel 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 (KBHA) Docket No. 08-HA-00187. 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 December 12, 2008. The motion requests an emergency suspension of Licensee's license.

Ex Parte Emergency Order of Suspension
Timothy P. Gatschet, M.D.
KBHA Docket No. 08-HA-00187

3. The motion for an emergency order in the above captioned case alleges that Licensee has violated the Healing Arts Act, specifically, K.S.A. 65-2836(b), in that Licensee has committed acts of unprofessional and/or dishonorable conduct and K.S.A. 65-2837(b)(12), in that Licensee has committed conduct likely to deceive, defraud, or harm the public as detailed in the disciplinary Petition filed on May 6, 2008, which is incorporated herein by reference in its entirety.
4. **(Confidential)**

5. **(Confidential)**

(Confidential)

6.

7. The motion for emergency order alleges there is cause to believe that grounds exist **(Confidential)** for disciplinary action against Licensee.
8. The motion for emergency order alleges that Licensee's continued practice constitutes an immediate danger to the public health, safety or welfare.
9. The motion for emergency order in the above captioned case includes Exhibit 1, **(Confidential)**

FINDINGS OF FACT

10. Timothy P. Gatschet, M.D.'s ("Licensee") last known mailing address to the Board is: 777 N. Silver Springs, #1104, Wichita, Kansas 67212.
11. 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. 04-21741 on approximately June 19, 1987.
12. In 1993, Licensee's license was surrendered/revoked (KSBHA case #9300061) for inappropriate conduct and licensee was subsequently convicted in 1996 of three (3) felony counts of attempted enticement of a child.
13. In 1998, Licensee's license was reinstated (KSBHA case # 9800102) and limited in scope to geriatrics in an approved practice setting, prohibiting him from psychotherapy, and prohibiting from prescribing to himself and prescribing psychotropic drugs to his family members.

14. Licensee currently has an inactive license to engage in the practice of medicine and surgery in the State of Kansas, having last renewed his license on approximately July 1, 2008.
15. At all times relevant to the allegations set forth in the Motion, Licensee has held a current and active or inactive license to engage in the practice of medicine and surgery in the State of Kansas.
16. Licensee presently has an inactive license to practice medicine and surgery in the state of Kansas.
17. The Presiding Officer finds that:
 - a. On May 6, 2008, Petitioner filed a Petition alleging Licensee committed acts in violation of the Healing Arts Act, K.S.A. 65-2836(b) by engaging in unprofessional and/or dishonorable conduct; and K.S.A. 65-2837(b)(12) by engaging in conduct likely to deceive, defraud or harm the public.
 - b. **(Confidential)**
 - c.
- 18.

CONCLUSIONS OF LAW

19. Pursuant to K.S.A. 65-2838(c), the Board has the authority to temporarily suspend Licensee's license to address an imminent threat to the health, safety or welfare of the public.
20. 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 .
21. Pursuant to K.S.A. 77-536, the Board may use emergency proceedings to protect the public from an immediate danger to the public health, safety or welfare.
22. The Presiding Officer finds that there is cause to believe Licensee has violated the Healing Arts Act, specifically,
 - a. K.S.A. 65-2836(b), in that Licensee has committed acts of unprofessional or dishonorable conduct; and
 - b. K.S.A. 65-2837(b)(12) in that Licensee has engaged in conduct likely to deceive, defraud or harm the public.
 - c. **(Confidential)**

23. (Confidential)

24. The Presiding Officer further concludes that Licensee's license to practice 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 Timothy P. Gatschet, M.D. 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.W. 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

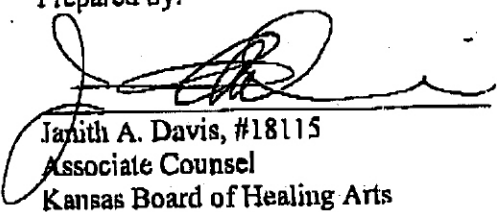
following service of the order. A copy of any petition for judicial review must be served upon Board's Executive Director at 235 S.W. Topeka Blvd., Topeka, Kansas 66603.

Dated this 16th day of December 2008.

Kansas State Board of Healing Arts


Merle J. Hodges, Presiding Officer

Prepared by:



Janith A. Davis, #18115
Associate Counsel
Kansas Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603
(785) 368-7257

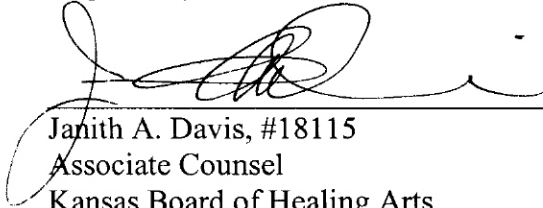
following service of the order. A copy of any petition for judicial review must be served upon Board's Executive Director at 235 S.W. Topeka Blvd., Topeka, Kansas 66603.

Dated this _____ day of December 2008.

Kansas State Board of Healing Arts

Merle J. Hodges, Presiding Officer

Prepared by:



Janith A. Davis, #18115
Associate Counsel
Kansas Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603
(785) 368-7257

CERTIFICATION OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the PETITION by United States mail, postage prepaid, on this 19th day of December, 2008, to the following:

Timothy P. Gatschet, M.D.
Licensee
777 N. Silver Springs, #1104
Wichita, Kansas 67212

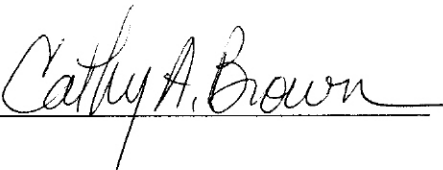
Paul Oller
Attorney for Licensee
111 W. 10th Street
Hays, Kansas 67601

And the original was hand-filed with:

Jack Confer
Acting Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And a copy hand-delivered to:

Janith A. Davis
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



FILED

APR 06 2009

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

KS State Board of Healing Arts

In the Matter of)
)
TIMOTHY P. GATSCHET, M.D.)
Kansas License No. 04-21741)
_____)

Docket No. 08-HA-00187

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts ("Board") by and through Janith A. Davis, Associate Counsel ("Petitioner"), and Timothy P. Gatschet ("Licensee"), by and through his counsel Paul Oller, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known mailing address as provided to the Board is 777 N. Silver Springs, #1104, Wichita, Kansas 67212.
2. 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. 04-21741 on approximately June 19, 1987. In 1993, Licensee's license was surrendered/revoked (KSBHA case #9300061) for inappropriate conduct and licensee was subsequently convicted in 1996 of three (3) felony counts of attempted enticement of a child. In 1998, Licensee's license was reinstated (KSBHA case # 9800102) and limited in scope to geriatrics in an approved practice setting, prohibiting him from psychotherapy, and prohibiting from prescribing to himself and prescribing psychotropic drugs to his family members. Licensee currently has an inactive license to engage in the practice of

medicine and surgery in the State of Kansas, having last renewed his license on approximately July 1, 2008.

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 medicine and surgery. K.S.A. 65-2801 *et seq.*; K.S.A. 65-2869.

4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not beyond its jurisdiction as provided by law.

6. Licensee voluntarily and knowingly waives his right to a hearing. 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 substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

7. 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 an 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.

8. At all relevant times hereto, Licensee has been actively practicing in the specialty of psychiatry.

9. Petitioner filed a disciplinary Petition on May 6, 2008 alleging that Licensee had committed acts constituting unprofessional and/or dishonorable conduct in violation of the Healing Arts Act, K.S.A. 65-2836(b) and K.S.A. 65-2837(b)(12). The specific allegations are set forth in the Petition filed on May 6, 2008.

10. **(Confidential)**
(Confidential)

11. **(Confidential)**
(Confidential)

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

13. **(Confidential)**
(Confidential)

(Confidential)

15. Licensee consents to a finding that he presently has a condition which renders him unable to practice with reasonable skill and safety to patients as contemplated by K.S.A. 65-2836(i).

16. Licensee violated K.S.A. 65-2836(b), 65-2836(i) and K.S.A. 65-2837(b)(12).

17. Licensee waives his right to contest the allegations contained in the Petition and consents to a finding that there are grounds for discipline against his license based on such allegations.

18. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without necessity of proceeding to a formal hearing.

19. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 22 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

20. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary measures against his license to engage in medicine and surgery in the State of Kansas:

- a. Licensee hereby **SURRENDERS** his license to practice medicine and surgery, effective upon filing of this Consent Order with the Board. Such surrender shall be treated as a revocation for all purposes, including reporting. Licensee may not apply for

reinstatement of his license until three (3) years after the date the Consent Order is filed with the Board;

- b. Licensee agrees that if he applies for reinstatement of his license, such application will be considered by the Board in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas State Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, laws and rules and regulations regarding the qualifications for licensure and reinstatement; and
- c. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in the Petition will be considered as findings of fact and conclusions of law.
- d. Licensee shall place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board within twenty (20) days of the date that this Consent Order is adopted, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.

21. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.

22. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts 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 Healing Arts Act.

23. 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 Stipulation or the content of this Stipulation.

24. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record, and shall be reported to the National Practitioner Databank, Federation of State Medical Boards and any reporting entities authorized to receive disclosure of this Consent Order.

25. 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.

26. 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.

27. 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.

28. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

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

30. Licensee shall obey all federal, state, and local laws and rules governing the practice of medicine and surgery 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.

31. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. 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.

32. 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, and is the Order of the Board.


IT IS FUTHER ORDERED that:

- a. Licensee hereby **SURRENDERS** his license to practice medicine and surgery, effective upon filing of this Consent Order with the Board. Such surrender shall be treated as a revccation for all purposes, including reporting. Licensee may not apply for reinstatement of his license until three (3) years after the date the Consent Order is filed with the Board;
- b. Licensee agrees that if he applies for reinstatement of his license, such application will be considered by the Board in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by Vakas v. The Kansas State Board of Healing Arts, 248 Kan. 589 (Kan. 1991), and all applicable statutes, laws and rules and regulations regarding the qualifications for licensure and reinstatement; and

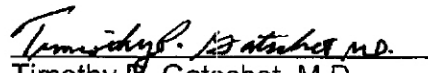
- c. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in the First Amended Petition will be considered as findings of fact and conclusions of law.
- d. Licensee shall place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board within twenty (20) days of the date that this Consent Order is adopted, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.

IT IS SO ORDERED.

**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**



Jack Confer
Acting Executive Director



Timothy P. Gatschet, M.D.
Licensee

April 6, 2009
Date

March 30, 2009
Date

PREPARED BY:



Janith A. Davis, #18115
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

APPROVED BY:



Paul Oller
Attorney for Licensee
110 W. 10th Street
Hays, Kansas 67601

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing **CONSENT ORDER** was served the 6th day of April, 2009, by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Timothy P. Gatschet, M.D.
777 N. Silver Springs, #1104
Wichita, Kansas 67212

Paul Oller
Licensee's Attorney
111 W. 10th Street
Hays, Kansas 67601

and a copy was hand-delivered to:

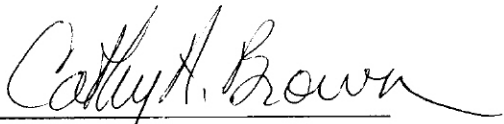
Janith A. Davis, Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and a courtesy copy was hand-delivered to:

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was hand-delivered for filing to:

Jack Confer, Acting Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Signature

FILED *CAF*

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

KS State Board of Healing Arts

In the Matter of)	
)	Docket No.: 08-HA-00187
Timothy P. Gatschet, M.D.)	
Kansas License No. 04-21741)	

EMERGENCY EX PARTE ORDER OF SUSPENSION

NOW on this 16th day of December 2008, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. Janith A. Davis, Associate Counsel 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 (KBHA) Docket No. 08-HA-00187. 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 December 12, 2008. The motion requests an emergency suspension of Licensee's license.

Ex Parte Emergency Order of Suspension
Timothy P. Gatschet, M.D.
KBHA Docket No. 08-HA-00187

3. The motion for an emergency order in the above captioned case alleges that Licensee has violated the Healing Arts Act, specifically, K.S.A. 65-2836(b), in that Licensee has committed acts of unprofessional and/or dishonorable conduct and K.S.A. 65-2837(b)(12), in that Licensee has committed conduct likely to deceive, defraud, or harm the public as detailed in the disciplinary Petition filed on May 6, 2008, which is incorporated herein by reference in its entirety.
4. **(Confidential)**

5. **(Confidential)**

(Confidential)

6.

7. The motion for emergency order alleges there is cause to believe that grounds exist **(Confidential)** for disciplinary action against Licensee.
8. The motion for emergency order alleges that Licensee's continued practice constitutes an immediate danger to the public health, safety or welfare.
9. The motion for emergency order in the above captioned case includes Exhibit 1, **(Confidential)**

FINDINGS OF FACT

10. Timothy P. Gatschet, M.D.'s ("Licensee") last known mailing address to the Board is: 777 N. Silver Springs, #1104, Wichita, Kansas 67212.
11. 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. 04-21741 on approximately June 19, 1987.
12. In 1993, Licensee's license was surrendered/revoked (KSBHA case #9300061) for inappropriate conduct and licensee was subsequently convicted in 1996 of three (3) felony counts of attempted enticement of a child.
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14. Licensee currently has an inactive license to engage in the practice of medicine and surgery in the State of Kansas, having last renewed his license on approximately July 1, 2008.
15. At all times relevant to the allegations set forth in the Motion, Licensee has held a current and active or inactive license to engage in the practice of medicine and surgery in the State of Kansas.
16. Licensee presently has an inactive license to practice medicine and surgery in the state of Kansas.
17. The Presiding Officer finds that:
 - a. On May 6, 2008, Petitioner filed a Petition alleging Licensee committed acts in violation of the Healing Arts Act, K.S.A. 65-2836(b) by engaging in unprofessional and/or dishonorable conduct; and K.S.A. 65-2837(b)(12) by engaging in conduct likely to deceive, defraud or harm the public.
 - b. **(Confidential)**
 - c.
- 18.

CONCLUSIONS OF LAW

19. Pursuant to K.S.A. 65-2838(c), the Board has the authority to temporarily suspend Licensee's license to address an imminent threat to the health, safety or welfare of the public.
20. 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 .
21. Pursuant to K.S.A. 77-536, the Board may use emergency proceedings to protect the public from an immediate danger to the public health, safety or welfare.
22. The Presiding Officer finds that there is cause to believe Licensee has violated the Healing Arts Act, specifically,
 - a. K.S.A. 65-2836(b), in that Licensee has committed acts of unprofessional or dishonorable conduct; and
 - b. K.S.A. 65-2837(b)(12) in that Licensee has engaged in conduct likely to deceive, defraud or harm the public.
 - c. **(Confidential)**

23. (Confidential)

24. The Presiding Officer further concludes that Licensee's license to practice 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 Timothy P. Gatschet, M.D. 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.W. 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

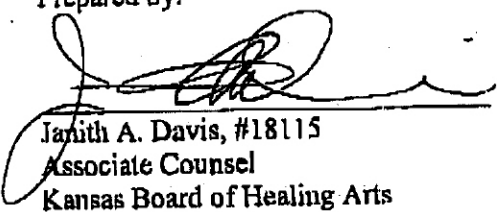
following service of the order. A copy of any petition for judicial review must be served upon Board's Executive Director at 235 S.W. Topeka Blvd., Topeka, Kansas 66603.

Dated this 16th day of December 2008.

Kansas State Board of Healing Arts


Merle J. Hodges, Presiding Officer

Prepared by:



Janith A. Davis, #18115
Associate Counsel
Kansas Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603
(785) 368-7257

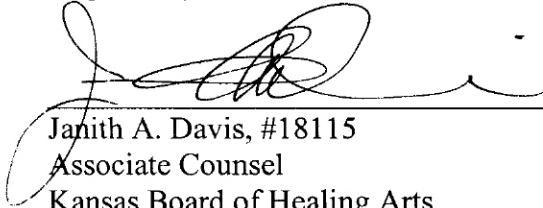
following service of the order. A copy of any petition for judicial review must be served upon Board's Executive Director at 235 S.W. Topeka Blvd., Topeka, Kansas 66603.

Dated this _____ day of December 2008.

Kansas State Board of Healing Arts

Merle J. Hodges, Presiding Officer

Prepared by:



Janith A. Davis, #18115
Associate Counsel
Kansas Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603
(785) 368-7257

CERTIFICATION OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the PETITION by United States mail, postage prepaid, on this 19th day of December, 2008, to the following:

Timothy P. Gatschet, M.D.
Licensee
777 N. Silver Springs, #1104
Wichita, Kansas 67212

Paul Oller
Attorney for Licensee
111 W. 10th Street
Hays, Kansas 67601

And the original was hand-filed with:

Jack Confer
Acting Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And a copy hand-delivered to:

Janith A. Davis
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

