

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED** CAB

SEP 21 2007

KS State Board of Healing Arts

In the Matter of )  
 )  
**Ethan Bickelhaupt, M.D.** )  
Kansas License No. 04-18225 )  
\_\_\_\_\_ )

Docket No. 08-HA - 00040

**CONSENT ORDER FOR SUSPENSION OF LICENSE**

**COMES NOW**, the Kansas State Board of Healing Arts (“Board”) by and through Shelly R. Wakeman, Disciplinary Counsel and Dan Riley, Associate Counsel (“Petitioner”), and Ethan Bickelhaupt, M.D. (“Licensee”) by and through Counsel Arthur Glassman, and move the Board for approval of a Consent Order suspending 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 to the Board is 3315 SW 15<sup>th</sup>, Topeka, Kansas 66604. Licensee’s current practice address is Colmery-O’Neil VA Medical Center, Topeka, Kansas 66622.
2. Licensee is presently entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-18225 on approximately July 2, 1979. Licensee is a psychiatrist who practices in Topeka, Kansas and last renewed his license on June 8, 2007. The status of Licensee’s license is active.
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.

\_\_\_\_\_  
**Ethan Bickelhaupt, M.D.**  
Consent Order

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. In July 2007, Licensee entered into a Consent Order (Docket #07-HA-00107), **(Confidential)**  
**(Confidential)**

9. (Confidential)

(Confidential)

10. (Confidential)

(Confidential)

11. (Confidential)

(Confidential)

12. (Confidential)

(Confidential)

13. 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.

14. 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 provisions concerning his license to practice the healing arts in Kansas:

- A. Licensee's license (#4-18225) is suspended until further Order of the Board.
- B. The licensee may petition the Board for termination of the suspension upon satisfactory completion of all recommendations (Confidential)

(Confidential)

(1). (Confidential)

(Confidential)

(2). (Confidential)

(Confidential)

(3). (Confidential)

(Confidential)

(4). (Confidential)

(5). (Confidential)

(Confidential)

(6). (Confidential)

(Confidential)

(7). (Confidential)

(Confidential)

(8). (Confidential)

(Confidential)

(9). Completion of a physician/patient boundaries course to be approved in advance by the Board which includes at least ten (10) Continuing Medical Education hours of didactics.

15. Licensee's failure to fully comply with all 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.

16. 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.

17. 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.

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

19. 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.

20. 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.

21. Licensee by signature to this document, waives any objection to the participation of the Board members or 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.

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

23. 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.

24. 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.

25. 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.

26. 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**

- A. Licensee's license (#4-18225) is suspended until further Order of the Board.
- B. The licensee may petition the Board for termination of the suspension  
(Confidential)

(1). (Confidential)

(Confidential)

(2). (Confidential)

(Confidential)

(3). (Confidential)

(Confidential)

(4). (Confidential)

(5). (Confidential)

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(7). (Confidential)

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(8). (Confidential)

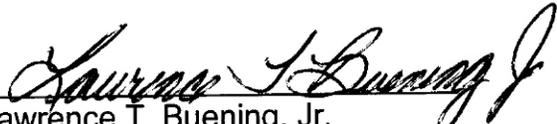
(Confidential)

(9). Completion of a physician/patient boundaries course to be approved in advance by the Board which includes at least ten (10) Continuing Medical Education hours of didactics.

**IT IS SO ORDERED.**

IT IS SO ORDERED.

KANSAS BOARD OF HEALING ARTS:

  
Lawrence T. Buening, Jr.  
Executive Director

September 21, 2007  
Date

  
Ethan Bickelhaupt, M.D.  
Licensee

Approved 9/19/07  
Date

  
Arthur Glassman  
Attorney for Licensee

9/19/07  
Date

**PREPARED AND APPROVED BY:**

  
Dan Riley #15658  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065  
(785) 296-7413

**CERTIFICATE OF SERVICE**

I, LAWRENCE T. BUENING, JR., hereby certify that a true and correct copy of the foregoing CONSENT ORDER was filed this 21<sup>st</sup> day of September, 2007, and that a copy was deposited in the United States mail, postage prepaid, and addressed to the following:

Ethan Bickelhaupt, M.D.  
3315 SW 15<sup>th</sup> Street  
Topeka, KS 66604-2519  
Licensee

Arthur Glassman  
Attorney for Licensee  
Sloan, Eisenbarth, Glassman, McEntire and Jarboe  
1000 Bank of America Tower  
534 S Kansas Avenue  
Topeka, Kansas, 66603-3456

and that copies were hand delivered to :

Shelly Wakeman Disciplinary Counsel  
And  
Dan Riley Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068



BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

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APR 10 2008

KS State Board of Healing Arts

**In the Matter of** )  
**ETHAN BICKELHAUPT, M.D.** )  
 )  
**Kansas License No. 04-18225** )  
\_\_\_\_\_ )

**Docket No. 08-HA-00040**

**FINAL ORDER**

**NOW**, on this 8th day of April, 2008, this matter comes on before Carolina M. Soria, D.O. (“Presiding Officer”) who has been appointed by the Kansas State Board of Healing Arts (“Board”) to serve as Presiding Officer to conduct necessary proceedings and issue a Final Order on the Petition to Reinstate License filed February 19, 2008, by Ethan Bickelhaupt, M.D. (“Licensee”).

The hearing was commenced in the office of the Board on April 8, 2008. Licensee appeared in person and through his attorney, Arthur A. Glassman, Topeka. Dan Riley, Associate Counsel, appeared for the Board.

After reviewing the file, hearing the statements and arguments of counsel and the testimony of Licensee, and being otherwise duly advised in the premises, the Presiding Officer makes the following findings and orders:

1. On September 21, 2007, a Consent Order for Suspension of License was filed in which Licensee’s license number 04-18225 was suspended until further order of the Board. On October 20, 2007, the Board ratified the actions of the Board’s Executive Director in accepting the Consent Order and a Journal Entry was filed October 24, 2007.

2. The Consent Order provided that Licensee may petition the Board for termination of the license suspension **(Confidential)**  
**(Confidential)**

3. During the course of the hearing, Licensee offered five exhibits that were admitted into evidence without objection. In addition, the Presiding Officer has reviewed Licensee's Exhibit A and Board Exhibits 2 and 3 that were made part of the agency record during proceedings held before the Board as a whole on December 8, 2007.

4. On November 19, 2007, Licensee filed a Petition to Set Aside Journal Entry of October 20, 2007 and Reinstate License.

5. The Petition filed by Licensee on November 19, 2007 was scheduled for a conference hearing before the Board as a whole on December 8, 2007.

6. Following the hearing on December 8, 2007, the Board issued a Final Order denying Licensee's Petition and finding that, while Licensee had made substantial progress **(Confidential)** had not been sufficient to allow Licensee to return to the active practice of medicine and surgery in the state of Kansas.

7. On February 19, 2008, Licensee filed a Petition to Reinstate License that **(Confidential)**

8. At its meeting February 23, 2008, the Board ordered that a presiding officer be designated to conduct further proceedings as necessary on the Petition to Reinstate License and that, following those proceedings, the presiding officer be authorized to render a final order pursuant to K.S.A. 77-514(g).

9. Following conclusion of the hearing on April 8, 2008, Licensee provided a certificate that he has completed a course on Sexual Boundary Violations.

10. **(Confidential)**

**(Confidential)**

11. Based on the evidence presented, it is the determination of the Presiding Officer that Licensee is currently able to practice medicine and surgery with reasonable skill and safety to patients and that the suspension of Licensee's license should be terminated with the following limitations placed on Licensee and his license:

**(Confidential)**

**(Confidential)**

j. Licensee shall not engage in solo or independent private practice of medicine and surgery without the authority of the Board.

k. Within seven days of the effective date of this Final Order, Licensee shall inform of the Board of all of his intended practice locations and thereafter notify the Board within seven days of any change in his practice locations.

12. The limitations set forth in paragraph 11 shall be in force for a period of five years, after which time Licensee may petition the Board for termination or modification of any such limitations.

**IT IS THEREFORE ORDERED** that the suspension of Licensee's license is hereby terminated and the license placed on current and active status.

**IT IS FURTHER ORDERED** Licensee's license is limited and Licensee shall comply with the following limitations:

**(Confidential)**

**(Confidential)**

j. Licensee shall not engage in solo or independent private practice of medicine and surgery without the authority of the Board.

k. Within seven days of the effective date of this Final Order, Licensee shall inform of the Board of all of his intended practice locations and thereafter notify the Board within seven days of any change in his practice locations.

**IT IS FURTHER ORDERED** that the above limitations shall be in force for a period of five years, after which time Licensee may petition the Board for termination or modification of any such limitations.

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

**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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

DATED this 10<sup>th</sup> day of April, 2008.

  
Carolina M. Soria, D.O.  
Presiding Officer

**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing Final Order was served this 10<sup>th</sup> day of April, 2008, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Ethan Bickelhaupt, M.D.  
3315 SW 15<sup>th</sup> Street  
Topeka, KS 66604-2519

Arthur A. Glassman  
Sloan, Eisenbarth, Glassman, McEntire & Jarboe, LLC  
1000 Bank of America Tower  
534 S. Kansas Avenue  
Topeka, KS 66603

and a copy was hand-delivered to the office of

Dan Riley, Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

and the original filed in the office of the Executive Director.



BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

FILED

FEB 23 2010

KS State Board of Healing Arts  
*AS*

In the Matter of )

Ethan E. Bickelhaupt, M.D. )  
Kansas License No. 04-18225 )

Docket No.: 10-HA00112

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**EMERGENCY EX PARTE ORDER OF SUSPENSION**  
**AND PROTECTIVE ORDER**

NOW on this 23<sup>rd</sup> day of February 2010, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. Stacy R. Bond, Associate Litigation Counsel, filed a Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings. There are no other appearances.

The Presiding Officer has reviewed the agency file in Kansas State Board of Healing Arts (KSBHA) Docket No. 10-HA00112. 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 February 23, 2010. The motion requests an emergency suspension of Licensee's license.
3. The motion for an emergency order in the above captioned case alleges that Licensee has violated K.S.A. 65-2836, specifically:

- a. K.S.A. 65-2836(b), in that Licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency.
  - b. K.S.A. 65-2836(c), in that Licensee has been convicted of a felony, whether or not related to the practice of the healing arts.
  - c. K.S.A. 65-2836(p), in that Licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes.
4. The motion for an emergency order in the above captioned case includes Exhibit one (1).

**FINDINGS OF FACT**

5. Ethan E. Bickelhaupt, M.D.'s ("Licensee") last known mailing address to the Board is: (confidential) His last known residential address to the Board is: (confidential) (confidential)
6. 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. 04-18225 on approximately July 2, 1979, and having last renewed such license on approximately July 1, 2009.
7. Licensee presently has an active and unrestricted license to practice medicine and surgery in the state of Kansas.
8. The Presiding Officer finds there are grounds to reasonably believe that:
- a. Licensee was charged In The United States District Court for the District of Kansas with a violation of Title 21, United States Code, § 841(a)(1) &

(b)(1)(C), and 18 United States Code, Section 2, that is, Distributing, Dispensing or Possession with Intent to Distribute or Dispense Controlled Substances by a Practitioner, and with a violation of Title 21, United States Code, § 843(a)(3) & (d), and 18 United States Code, Section 2, that is, Acquiring or Obtaining a Controlled Substance by Misrepresentation, Fraud, Forgery, Deception, or Subterfuge.

- b. The felony charges stemmed from Licensee issuing prescription orders to individuals who were not bona fide patients, and had the named individuals fill the prescriptions at pharmacies in Topeka and Lawrence, Kansas. After filling the prescriptions, the individuals gave the controlled substances to the Licensee for his personal consumption. On occasions, Licensee would compensate the individuals with cash or some of the controlled substance.
- c. Licensee would write prescriptions for controlled substances for purposes other than legitimate medical purposes including prescribing Adderall and Tylenol #3 to individuals for use during parties at the Licensee's house. Adderall was used to stay up late, and Tylenol #3 was used for hangovers and to ease the withdrawal after cocaine use.
- d. Licensee wrote prescriptions for controlled substances for purposes other than legitimate medical purposes including writing prescriptions for Adderall to help an individual stay awake while studying.
- e. Licensee entered into a Petition to Enter Plea of Guilty and Order Entering Plea and a Plea Agreement in the United States District Court for the

District of Kansas in Case No. 09-40070-RDR on February 22, 2010. Licensee entered a guilty plea to one count Distributing, Dispensing or Possessing with Intent to Distribute or Dispense Controlled Substances by a Practitioner and one count of Acquiring or Obtaining a Controlled Substance by Misrepresentation, Fraud, Forgery, Deception or Subterfuge, both felony offenses.

### **CONCLUSIONS OF LAW**

9. 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.
10. 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 .
11. Pursuant to K.S.A. 77-536, the Board may use emergency proceeding to protect the public from an immediate danger to the public health, safety or welfare.
12. The Presiding Officer finds there are grounds to reasonably believe that Licensee has violated that Licensee has violated K.S.A. 65-2836, in that Licensee has violated K.S.A. 65-2836, specifically:
  - a. K.S.A. 65-2836(b), in that Licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency.
  - b. K.S.A. 65-2836(c), in that Licensee has been convicted of a felony, whether or not related to the practice of the healing arts.

c. K.S.A. 65-2836(p), in that Licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes.

13. The Presiding Officer finds that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.

14. 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 Ethan E. Bickelhaupt, M.D. is hereby immediately suspended.

**IT IS FURTHER ORDERED** that a Protective Order is hereby entered to protect the identity of patients and their records. Records that identify a patient shall not be disclosed to any third person except as authorized by this order or by further order of the Presiding Officer or the Board. To the extent practicable, patients shall be referred to in arguments, testimony and pleadings by the reference number listed in the Petition. This protective order shall not prohibit a party from disclosing such information to a person who has been engaged as an expert witness, or from otherwise using this information in this case and in any subsequent appeals.

**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.

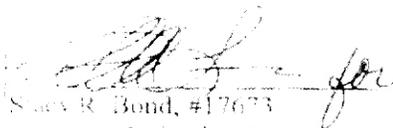
**PLEASE TAKE NOTICE** that this is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. A petition for judicial review is not 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 23rd day of February 2010.

Kansas State Board of Healing Arts

Carolina M. Koricki, DC  
Presiding Officer

Prepared by:

  
Stacy R. Bond, #17673  
Assistant Litigation Counsel  
Kansas Board of Healing Arts  
235 S.W. Topeka Boulevard  
Topeka, Kansas 66603-3068  
785-396-3268 Phone  
785-396-7103 Fax

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the *Ex Parte* Emergency Order of Suspension by United States mail, postage prepaid, on this 73<sup>rd</sup> day of February, 2010, to the following:

Ethan E. Bickelhaupt, M.D.

(confidential)

Ethan E. Bickelhaupt, M.D.  
2909 N. Sheridan Rd., Ste. 1512  
Chicago, Illinois 60657

And a copy was hand-delivered to:

Stacy R. Bond  
Kansas Board of Healing Arts  
235 S Topeka Blvd  
Topeka, KS 66603

And the original was hand-delivered for filing with:

Kathleen Selzler Lippert  
Acting Executive Director  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068



BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED** CAB

APR 20 2010

KS State Board of Healing Arts

In the Matter of	}	
	}	
Ethan E. Bickelhaupt, M.D.	}	Docket No.: <sup>10-</sup> <del>K</del> -HA-00112
Kansas License No. 04-18225	}	
_____	}	

JOURNAL ENTRY

NOW this 29<sup>th</sup> day of April, 2010 the above captioned matter comes before the Kansas State Board of Healing Arts, Carolina Soria, D.O. presiding, on the petitioner's Motion to allow the emergency suspension issued on February 23, 2010 to remain in effect. The Board appears by and through Stacy R. Bond, Associate Litigation Counsel. The respondent, Ethan Bickelhaupt, appears in person, pro se. There are no other appearances. The Presiding Officer, after review of the files, hearing the arguments or counsel and the statements of the respondent and being duly apprised of the premises finds and concludes as follows:

1. The respondent has been charged in the United States District Court for the District of Kansas with the crime of prescribing, distributing, dispensing or possessing with the intent to distribute or dispense controlled substances or dispense a controlled substance by a practitioner in violation of Title 21, U.S.C. 841(a)(1).

2. The respondent pleaded guilty to the charges contained in paragraph 1 above.

3. The respondent has been charged in the United States District Court for the District of Kansas with the crime of acquiring or obtaining a controlled substance by

misrepresentation, fraud, forgery, deception or subterfuge in violation of Title 21 U.S.C. 843(a)(3) and (d).

4. The respondent pleaded guilty to the charges contained in paragraph 3 above.

5. The Presiding Officer takes Administrative Notice of the fact the respondent was issued a limited license to practice medicine and surgery through the proceedings In the Matter of Ethan Bickelhaupt, Docket No. 08-HA-40.

6. The Presiding Officer takes Administrative Notice of the proceedings taken In the Matter of Ethan Bickelhaupt, Docket No. 07-HA-107.

7. The Licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency in violation of K.S.A. 65-2836(b) as defined by K.S.A. 65-2836(q).

8. The Licensee has been convicted of a felony whether or not related to the practice of the healing arts in violation of K.S.A. 65-2836(c). The Licensee will be sentenced in July, 2010.

9. The Licensee has prescribed, sold, administered, distributed or given a controlled substance to a person for other than medically accepted or lawful purposes in violation of K.S.A. 65-2836(p).

10. The continued practice of medicine by the licensee will place the health, safety and welfare of the general public in immediate danger.

11. The Board has the power to revoke, suspend, censure, fine or otherwise limit a Licensee's license to practice medicine pursuant to K.S.A. 65-2836.

12. The Kansas Administrative Procedures Act, K.S.A. 77-536, allows the Board to issue emergency orders to protect the public from an immediate danger to the public health, safety or welfare.

13. The Board issued an emergency order on February 23, 2010 to protect the public's health, safety and welfare.

14. The Presiding Officer finds that the Licensee, Ethan Bickelhaupt's, continued practice of medicine constitutes an immediate danger to the public health, safety and welfare.

15. The Presiding Officer concludes that the Licensee's license to practice medicine and surgery shall remain suspended until further order of the Board.

**IT IS THEREFORE, ORDERED,** that the license of Ethan E. Bickelhaupt, M.D. to practice medicine and surgery remains to be suspended until further order of the Board.

**IT IS FURTHER ORDERED,** that the Emergency *Ex Parte* Order of Suspension and Protective Order entered by the Board on February 23, 2010 shall remain in effect until further order of the Board.

**IT IS SO ORDERED.**

KANSAS STATE BOARD OF HEALING ARTS

  
\_\_\_\_\_  
Carolina Soria  
Presiding Officer

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Journal Entry by United States mail, postage prepaid, on this 30<sup>th</sup> day of April, 2010, to the following:

Ethan E. Bickelhaupt, M.D.  
2909 N. Sheridan Rd., Ste. 1512  
Chicago, IL 60657

And a copy was hand-delivered to:

Stacy R. Bond  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

And the original was filed with:

Kathleen Selzler-Lippert  
Acting Executive Director  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

  
\_\_\_\_\_