

Interim Executive Director

12-4-09

Date

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Journal Entry of Satisfaction was served on the 9th day of ~~November~~, 2009 by United States mail, first class postage prepaid and addressed to: ^{December}

Michael Nathaniel Fish DC
4005 Bridgeport Drive
Plano, TX 75093

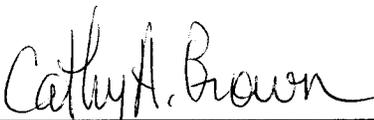
and a copy hand delivered to the office of:

Kelli Stevens
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 6603-3068

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

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

Kathleen Selzler Lippert
Interim Executive Director
Kansas State Board of Healing Arts
235 S Topeka Blvd
Topeka, KS 66603



Cathy Brown
Executive Assistant

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED CAB

JUN 17 2009

KS State Board of Healing Arts

In the Matter of)
Michael Fish, DO)
)
Kansas License No. 05-32063)
_____)

Docket No. 09-HA00126

FINAL ORDER

NOW ON THIS 12th day of June, 2009, this matter comes on for hearing on the Board's Motion to Review Initial Order. Respondent does not appear. Stacy Bond, Associate Litigation Counsel, appears for the Board. There are no other appearances.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. A hearing was held in this matter on March 30, 2009, before Presiding Officer Nancy Welsh, M.D.
2. By Initial Order filed April 13, 2009, the Presiding Officer found that the respondent violated K.S.A. 65-2836(r).
3. Respondent was fined \$500.
4. The Board adopts the findings of fact and conclusions of law of the Initial Order and incorporates the same by reference into this Final Order.

IT IS, THEREFORE, ORDERED that Respondent is fined in the amount of \$500.

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 12th day of June, 2009.



Kansas State Board of Healing Arts

Jack Confer
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 18th day of June, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Michael Fish, DO
4005 Bridgeport Drive
Plano, TX 75093

And a copy was hand-delivered to the office of

Stacy Bond, Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

And the original filed with the office of the Executive Director

Cathy A. Brown

CAF

FILED

APR 13 2009

KS State Board of Healing Arts

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

In the Matter of)
Michael Fish, D.O.)
)
Kansas License No. 05-32063)
_____)

Docket No. 09-HA00126

INITIAL ORDER

NOW ON THIS 30th day of March, 2009, this matter comes on for hearing. Respondent, Michael Fish, appears in person, *pro se*. Kathleen Lippert, Litigation Counsel, and Stacy Bond, Associate Litigation Counsel, appear for the Board.

Having the agency record before her and hearing the statements and arguments of the parties, the Presiding Officer finds, concludes and orders as follows:

1. K.A.R. 100-15-5 requires each Licensee desiring to renew a medical doctor license to submit to the Board documented evidence of completion of a minimum of 50 contact hours of continuing education since April 1, 2007, or 100 contact hours of continuing education since April 1, 2006, or 150 contact hours of continuing education since April 1, 2005, before or with the request for renewal.
2. On or about September 24, 2008, Respondent submitted an application for renewal of his license.
3. As part of the renewal process, Respondent certified that the rules regarding proof of continuing education had been read, that 50 hours of continuing

education had been achieved, and that documentation of those hours would be maintained for a three-year period and produced to the Board upon request.

4. As part of the renewal process, Respondent further certified that the notice regarding the Board's procedures for auditing continuing education compliance had been read.
5. As part of the renewal process, Respondent certified that the rules regarding professional liability insurance had been read, that compliance had been achieved, and that documentation of the professional liability insurance policy would be maintained for a three-year period and produced to the Board upon request.
6. Respondent was randomly selected to provide verification of compliance with the continuing education requirements and on November 14, 2008, a letter was mailed to Respondent requesting that Respondent provide no later than December 31, 2008, the records relied upon when Licensee certified achievement of the continuing education hours.
7. Respondent did not provide documented evidence of the completion of the minimum continuing education hours by December 31, 2008.
8. By failing to provide documented evidence of his continuing education hours, Respondent violated K.S.A. 65-2836(r), failing to respond to the Board's legal request for information.
9. On February 9, 2009, a Summary Order was issued fining Respondent \$500 and requiring proof of his continuing education hours be provided to the

Board within fifteen (15) days of service of the Summary Order.

10. On March 5, 2009, Respondent requested a hearing on the Summary Order.
11. Respondent has subsequently provided proof of the required continuing education hours.
12. The Summary Order was proper and issued pursuant to Board policy.
13. The Summary Order is upheld.

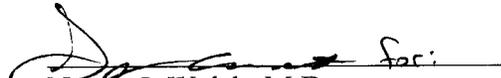
IT IS THEREFORE ORDERED that Respondent is fined in the amount of \$500.

PLEASE TAKE NOTICE that this is an Initial Order. A party to an agency proceeding may seek review of an Initial Order by filing a petition for review within 15 days following service of the Initial Order. Any such petition must be filed with the Executive Director at 235 S. Topeka Blvd., Topeka, KS 66603.

PLEASE TAKE FURTHER NOTICE that Board will, on its own motion, review this Initial Order at its regularly scheduled meeting June 12, 2009 at a time to be specified later, and at the conclusion of the review issue a Final Order. Upon conducting review, the Board may exercise all of the decision making authority as if it had heard the matter itself. Except to the extent that a party has identified an issue for review in a timely petition for review, the Board generally limits its review to the disciplinary orders entered by the Presiding Officer based upon the findings of fact in the Initial Order. Any party may file a brief with the Boards Executive Director on or before May 18, 2009.

Dated this 30th day of March, 2009.

Kansas State Board of Healing Arts


Nancy J. Welsh, M.D.
Presiding Officer

Certificate of Service

I certify that the foregoing Initial Order was served this 13th day of April, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Michael Fish, D.O.
4005 Bridgeport Drive
Plano, TX 75093

and a copy was hand-delivered to:

Stacy Bond
Associate Litigation Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

and the original deposited in the office of the Executive Director for filing.



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CAF

FEB 09 2009

KS State Board of Healing Arts

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

In the Matter of)
)
Michael Fish, DO)
License No. 05-32063)
_____)

Docket Number: *09-HA00126*

SUMMARY ORDER

NOW ON THIS *9th* day of February, 2009, this matter comes before Jack Confer, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

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

1. Michael Fish, DO ("Licensee") was originally issued license number 05-32063 to practice osteopathic medicine and surgery in the State of Kansas on August 12, 2006, pursuant to K.A.R. 100-15-1.

2. K.A.R. 100-15-5 requires each Licensee desiring to renew a Osteopathic Doctor license to submit to the Board documented evidence of completion of a minimum of 50 contact hours of continuing education since April 1, 2007, or 100 contact hours of continuing education since April 1, 2006, or 150 contact hours of continuing education since April 1, 2005, before or with the request for renewal.

3. On or about September 24, 2008, Licensee submitted an application for renewal of their license.

4. As part of the renewal process, Licensee certified that the rules regarding proof of continuing education had been read, that 50 hours of continuing education hours had been

achieved, and that documentation of those hours would be maintained for a three-year period and produced to the Board upon request.

5. As part of the renewal process, Licensee further certified that the notice regarding the Board's procedures for auditing continuing education compliance had been read.

6. Licensee was randomly selected to provide verification of compliance with the continuing education requirements and on November 14, 2008, a letter was mailed to Licensee requesting that Licensee provide no later than December 31, 2008, the records relied upon when Licensee certified achievement of the required continuing education hours.

12. Licensee failed to provide documented evidence of continuing education by the due date.

13. By failing to provide documented evidence of his continuing education, Licensee has violated K.S.A. 65-2836(r), failing to respond to the Board's legal request for information.

14. In addition to any other penalty prescribed under the healing arts act, K.S.A. 65-2863a authorizes the Board to assess an administrative fine in an amount not exceeding \$5,000 for the first violation of the healing arts act.

IT IS, THEREFORE, ORDERED that the license of Licensee be assessed a civil fine in the amount of \$500, payable within thirty days of the effective date of this order, for failure to have met the continuing education requirement at the time of renewal.

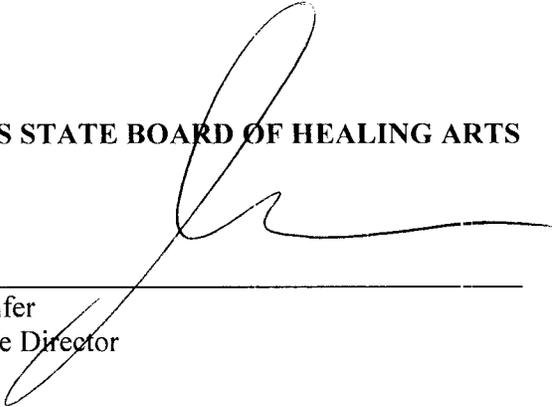
IT IS FURTHER ORDERED that you shall submit proof that you have met your continuing education requirements for the previous year to the Board within fifteen days.

PLEASE TAKE NOTICE that this is a summary order. A party to whom a summary order is issued may file a written request for a hearing within 15 days following service of the summary order. If a hearing is not requested, the summary order shall become effective as a

final order of the Board upon expiration of the time for requesting a hearing. A request for a hearing must be addressed to Jack Confer, Executive Director, 235 South Topeka Boulevard, Topeka, Kansas 66603.

DATED this 9th day of February, 2009.

KANSAS STATE BOARD OF HEALING ARTS



Jack Confer
Executive Director

CERTIFICATE OF SERVICE

I, do hereby certify that on the 9th day of February, 2009, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Michael Fish, DO
4005 BRIDGEPORT DRIVE
PLANO, TX 75093

and a copy hand delivered to the office of:

Kathleen Selzler Lippert
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 6603-3068

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

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



Cathy Brown
Executive Assistant

FILED

CAF

FEB 09 2009

KS State Board of Healing Arts

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

In the Matter of)
)
Michael Fish, DO)
License No. 05-32063)
_____)

Docket Number: *09-HA00126*

SUMMARY ORDER

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2. K.A.R. 100-15-5 requires each Licensee desiring to renew a Osteopathic Doctor license to submit to the Board documented evidence of completion of a minimum of 50 contact hours of continuing education since April 1, 2007, or 100 contact hours of continuing education since April 1, 2006, or 150 contact hours of continuing education since April 1, 2005, before or with the request for renewal.

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13. By failing to provide documented evidence of his continuing education, Licensee has violated K.S.A. 65-2836(r), failing to respond to the Board's legal request for information.

14. In addition to any other penalty prescribed under the healing arts act, K.S.A. 65-2863a authorizes the Board to assess an administrative fine in an amount not exceeding \$5,000 for the first violation of the healing arts act.

IT IS, THEREFORE, ORDERED that the license of Licensee be assessed a civil fine in the amount of \$500, payable within thirty days of the effective date of this order, for failure to have met the continuing education requirement at the time of renewal.

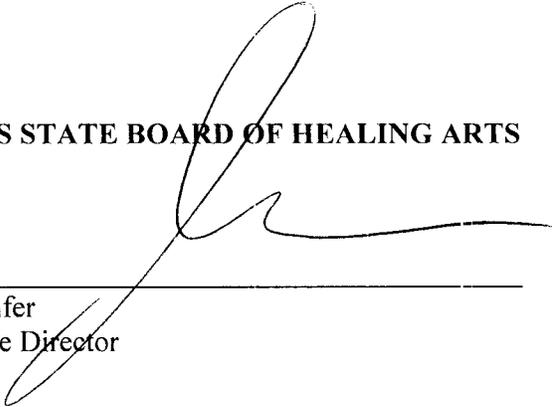
IT IS FURTHER ORDERED that you shall submit proof that you have met your continuing education requirements for the previous year to the Board within fifteen days.

PLEASE TAKE NOTICE that this is a summary order. A party to whom a summary order is issued may file a written request for a hearing within 15 days following service of the summary order. If a hearing is not requested, the summary order shall become effective as a

final order of the Board upon expiration of the time for requesting a hearing. A request for a hearing must be addressed to Jack Confer, Executive Director, 235 South Topeka Boulevard, Topeka, Kansas 66603.

DATED this 9th day of February, 2009.

KANSAS STATE BOARD OF HEALING ARTS



Jack Confer
Executive Director

CERTIFICATE OF SERVICE

I, do hereby certify that on the 9th day of February, 2009, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Michael Fish, DO
4005 BRIDGEPORT DRIVE
PLANO, TX 75093

and a copy hand delivered to the office of:

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Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 6603-3068

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
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Cathy Brown
Executive Assistant