

FILED

CAD

OCT 21 2010

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

KS State Board of Healing Arts

In the Matter of)
Michael Flanery, D.C.)
)
Kansas License No. Pending)
_____)

Docket No. 11-HA00033

FINAL ORDER
(Pursuant to K.S.A. 77-501 et seq.)

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“Board”) by K.S.A. 65-2801 et seq. and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 et seq., the Board hereby enters this Final Order in the above-captioned matter. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

I. Findings of Fact

The Board has been shown the following facts:

1. Michael Flanery, D.C. (“Applicant”), (confidential), submitted an Application for Licensure in Chiropractic (“Application”) in the State of Kansas on or about August 10, 2010.
2. Applicant entered into a Consent Order with the Board on September 10, 2010 as a condition of being granted licensure.
3. Pursuant to the terms of the Consent Order, Applicant was granted a temporary license upon signing the Consent Order, paying the temporary license fee, and abiding by the terms of the Consent Order.
4. Pursuant to the terms of the Consent Order, the temporary license was effective until a conference hearing was held by the Board to ratify the

Consent Order. Failure by the Board to ratify the Consent Order would result in the expiration of the temporary license.

5. Upon ratification of the Consent Order, Applicant would be granted a permanent license under the terms of the Consent Order.
6. On October 8, 2010, the Board held a conference hearing in this matter and ratified the Consent Order.

II. Applicable Law

- a. K.S.A. 65-2801 et seq.
- b. K.S.A. 65-2836
- c. K.S.A. 65-2838

III. Policy Statement

The policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #6, the Applicable Law and the Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

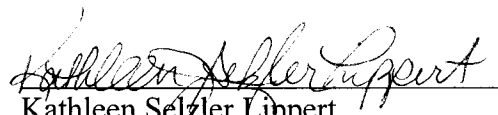
7. Applicant applied for licensure in the State of Kansas on August 10, 2010.

8. Applicant entered into a Consent Order with the Board on September 10, 2010 as a condition of being granted licensure.
9. Pursuant to the terms of the Consent Order, Applicant was granted a temporary license effective until a conference hearing could be held on October 8, 2010 by the Board. Upon ratification, Applicant would be granted a permanent license subject to the terms of the Consent Order. Failure by the Board to ratify the Consent Order would result in the expiration of the temporary license.
10. On October 8, 2010, the Board held a conference hearing and ratified the Consent Order.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF
HEALING ARTS:**

11. Applicant is hereby **GRANTED** a permanent license subject to the terms of the Consent Order entered on September 10, 2010; effective October 8, 2010.
12. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 20 DAY OF Oct, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon

service. A party to an agency proceeding may seek judicial review of a Final Order by

filing a petition in the District Court as authorized by K.S.A. 77-601, et seq.

Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 21st day of October, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Michael Flanery, D.C.
(confidential)
Overland Park, KS 66213

And a copy was hand delivered to the office of:

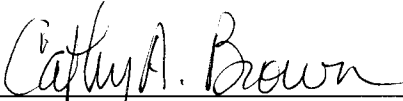
Stacy Bond, Associate Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

Melissa Massey, Compliance Coordinator
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

The original filed with:

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


Cathy Brown, Executive Assistant