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MAY 02 2016

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
ANTHONY FRANCIS, M.D.)
)
Kansas License No. 04-17828)
_____)

KSBHA Docket No. 89-HA00025

**FINAL ORDER DENYING REQUEST FOR
TERMINATION OR MODIFICATION OF LIMITATION**

NOW on this 8th day of April, 2016, comes before the Kansas State Board of Healing Arts ("Board") the request of Anthony Francis, MD ("Licensee") for termination or modification of the limitation imposed in the Amended Stipulation filed with the Board on April 16, 1992, in this matter. Licensee appears in person and *pro se*. Jane Weiler, Associate Litigation Counsel, appears on behalf of the Board.

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

1. Licensee was previously actively licensed to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-17828 in 1978. Such active license was voluntarily changed to an exempt license designation in 1999. Licensee's license currently has an exempt designation and was last renewed July 1, 2015.

2. On or about May 8, 1989, Licensee entered into a Stipulation agreement with the Board to resolve concerns regarding Licensee's legal testimony and use of titles on letterhead

and other concerns. An Enforcement Order was filed on May 8, 1989, to effectuate the Stipulation. The Stipulation and Enforcement Order limited Licensee to performing only orthopedic surgery, and only treating outpatients and patients within the hospital as normally came under his care. Licensee was further limited from providing medical or legal testimony or to act as a medical or legal expert and from using any letterhead that displayed any credentials other than his M.D.

3. An Order Amending Stipulation and Modifying Enforcement Order was filed on July 26, 1991, which amended the limitation on Licensee's license to allow him to perform minor emergency procedures.

4. An additional Order Amending Stipulation and Modifying Enforcement Order was filed on April 16, 1992, which further amended the limitation on Licensee's license to allow full scope practice of medicine and surgery. The prohibition on giving medical and legal testimony or acting as a medical or legal expert in judicial or administrative proceedings remained in effect.

5. On February 22, 2016, Licensee submitted a Request for Termination or Modification of Limitation on Testimony Stipulation. In his Motion, Licensee stated that he believed the limitation was eliminated when he changed his license designation from active to exempt status. Licensee further indicated he had been performing evaluations of disability claims for the Social Security Administration under his exempt license since June of 2005. Licensee's Request for termination or modification of the limitation is for the purpose of allowing him to continue performing Social Security disability evaluations.

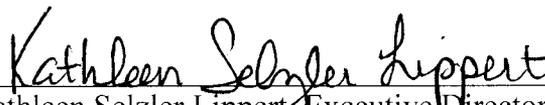
6. Associate Litigation Counsel filed a Response to Petition to Terminate Limitation on March 10, 2016, which alleges non-compliance with the limitation. According to the Response, Licensee had been non-compliant with the limitation when he indicated on his renewal applications that he would be willing to serve on a medical malpractice screening panel and as an expert for the Board in a licensing disciplinary case.

7. The Board finds there is insufficient evidence to conclude that Licensee was noncompliant with the limitation based solely on Licensee's documented willingness to serve on medical malpractice screening panels and as an expert for the Board. While Licensee admitted that he has indicated his willingness to serve as an expert, there is no evidence that Licensee has actually done so while under the limitation on his license.

8. Nevertheless, the Board also concludes that the Licensee failed to provide sufficient evidence of good cause for the limitation to be terminated or modified.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's request for termination or modification of the limitation on his license is DENIED.

IT IS SO ORDERED THIS 2nd DAY OF MAY, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts by
KLS

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within **30 days** following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER DENYING REQUEST FOR TERMINATION OR MODIFICATION OF LIMITATION** was served this 2nd day of May, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Anthony Francis, MD
Confidential
Wichita, KS 67220

And a copy was hand-delivered to:

Jane Weiler, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Cathy Brown, Executive Assistant