

FILED

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

FEB 2 1999

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
MICHAEL D. FRANKLIN, D.C.)
Kansas License No. 1-04331)
_____)

Case No. 99-00261

FINAL ORDER

NOW ON THIS Thirteenth Day of February, 1999, comes before the Board a Petition to Revoke, Suspend, or Otherwise Limit the license of Michael D. Franklin, D.C. (Respondent). The Board appears through Stacy L. Cook, Litigation Counsel. Respondent appears in person.

After hearing the statements of the parties, and having the agency record before it, the Board finds, concludes, and orders as follows:

1. Respondent is licensed to engage in the practice of chiropractic, having been issued license number 1-04331 on February 17, 1996. This license is currently in the inactive status.
2. Respondent has also been issued a license to engage in the practice of chiropractic by the State Board of Chiropractic Examiners for the State of Ohio.
3. In August 1998, Respondent entered into a consent agreement with the Ohio board to resolve a disciplinary matter pending before that board. The board had alleged that Respondent engaged in various forms of false advertising and billed for professional services not rendered. Under the consent agreement, Respondent's license was permanently revoked, but the revocation was stayed with a one-year suspension in its place, provided that Respondent complies with other conditions in the agreement. One such condition is that Respondent will not practice chiropractic in any other

jurisdiction while the suspension is in effect. The suspension will expire by its own terms on August 31, 1999.

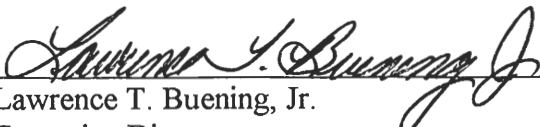
4. K.S.A. 1998 Supp. 65-2836(s) provides that the Board may revoke, suspend, limit, a license, or a licensee may be censured, if sanctions or disciplinary actions have been taken against the licensee by another governmental agency for acts or conduct similar to those which would constitute grounds for disciplinary action under the healing arts act. Unprofessional conduct by a licensee constitutes grounds for disciplinary action by the Board, and includes soliciting through the use of fraudulent or false advertisements and includes receiving a fee for services not rendered. *See* K.S.A. 1998 Supp. 65-2837(b)(1), (19).

IT IS, THEREFORE, ORDERED that Respondent is hereby censured, and that his license is limited to that of inactive status until such time as his license to practice chiropractic in the State of Ohio is no longer suspended.

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party may seek review of a Final Order by filing a Petition for Judicial Review in the District Court. A petition is not timely unless filed within 30 days following service of the Final Order. Reconsideration is not a prerequisite to seeking judicial review. A copy of any petition for judicial review or reconsideration must be served upon Lawrence T. Buening, Jr. , Executive Director, 235 S. Topeka Blvd., Topeka, Kansas 66603.

DATED THIS 22^d Day of February, 1999.

STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Final Order was served this 24th day of February, 1999 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Michael D. Franklin, D.C.
513 Brown Circle Drive
Osawatomie, Kansas 66064

and a copy was hand-delivered to the office of:

Stacy L. Cook
Litigation Counsel
235 S. Topeka Blvd.,
Topeka, Kansas

