

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

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NOV 09 2010

KS State Board of Healing Arts

In the Matter of)
Michael J. Hermann, D.C.)
)
Kansas License No. 01-04104)
)

Docket No. 10-HA00138

FINAL ORDER AND JOURNAL ENTRY OF SATISFACTION
OF FINE ASSESSED IN AMENDED SUMMARY ORDER
(Pursuant to K.S.A. 77-501 et seq.)

NOW ON THIS 9th day of Nov., 2010, the above-entitled matter comes before Kathleen Selzler Lippert, Executive Director of the Kansas State Board of Healing Arts ("Board"). After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

I. Findings of Fact

The Board has been shown the following facts:

1. Dr. Michael J. Hermann, D.C. ("Licensee"), Eastside Chiropractic, 555 N. Mclean Blvd. #201, Wichita, Kansas 67203-5815, is licensed in the State of Kansas, License No. 01-04104, and has been so licensed since August 15, 1992.
2. On May 10, 2010, the Executive Director issued an Amended Summary Order regarding Licensee's license to practice as a chiropractor in the State of Kansas.
3. The Amended Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing was requested, the Amended Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.

4. No hearing has been requested by any party.
5. The Amended Summary Order contained a provision that publicly censured Licensee for violating the Healing Arts Act.
6. The Amended Summary Order contained a provision assessing a civil fine against Licensee in the amount of \$250.00.
7. On May 28, 2010, Licensee remitted \$250.00 to the Board for satisfaction of the civil fine.

II. Applicable Law

- a. K.S.A. 77-501 et seq. – Kansas Administrative Procedure Act
- b. K.S.A. 77-537 – Summary Proceedings
- c. K.S.A. 77-542 – Right to Request Hearing
- d. K.S.A. 65-2801 et seq. – Kansas Healing Arts Act
- e. K.S.A. 65-2836 - Revocation, Suspension, Limitation or Denial of Licenses; Censure of Licensee

III. Public Policy Statement

The public 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 #7, the Applicable

Law and the Public Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

8. On May 10, 2010, the Executive Director issued an Amended Summary Order regarding Licensee's license to practice as a chiropractor in the State of Kansas.
9. The Amended Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing was requested, the Amended Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.
10. No hearing has been requested by any party.
11. The Amended Summary Order contained a provision that publicly censured Licensee for violating the Healing Arts Act.
12. The Amended Summary Order contained a provision assessing a civil fine against Licensee in the amount of \$250.00.
13. On May 28, 2010, Licensee remitted \$250.00 to the Board for satisfaction of the civil fine.

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

14. The Summary Order became effective as a Final Order on May 28, 2010.
15. Licensee has satisfied the provision of the Amended Summary Order requiring payment of the \$250 civil fine.
16. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

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.

IT IS SO ORDERED THIS 9th **DAY OF** Nov, 2010, **IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order and Journal Entry of Satisfaction of Fine Assessed in Amended Summary Order was served this 9th day of November, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Michael J. Hermann, D.C.
Eastside Chiropractic
555 N. Mclean Blvd. #201
Wichita, Kansas 67203-5815

And a copy was hand-delivered to:

Lori D. Dougherty
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.

Topeka, Kansas 66603

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. 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, Kansas 66603



Cathy Brown
Executive Assistant