

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

FEB 17 2005

**KANSAS STATE BOARD OF  
HEALING ARTS**

In the Matter of )  
 )  
**MICHAEL E. MARTIN, D.C.** )  
Kansas License No. 1-04233 )

Docket No. 03-HA-56

**FINAL ORDER FOLLOWING CONFERENCE HEARING**

NOW ON THIS 12<sup>th</sup> day of February, 2005, comes before the Kansas Board of Healing Arts a request by Licensee, Michael E. Martin, D.C., for termination of the monitoring portion of the Consent Order filed on August 25, 2003. Kelli J. Benintendi, Associate Counsel, appears for the Board. Dr. Martin appears in person and with counsel, Janice L. Pauls, Hutchinson, Kansas.

After examining the files, hearing statements of the parties and being otherwise duly advised in the premises, the Board finds as follows:

1. On or about August 25, 2003, Licensee entered into a Consent Order with the Kansas Board of Healing Arts to resolve allegations that Licensee deviated from the standard of care in his practice of chiropractic.

2. In the Consent Order, Licensee agreed to certain terms and conditions placed on his license. On January 25, 2005 Licensee requested that the monitoring limitations be terminated. The monitoring limitations that are to be in place for at least one year are specified in paragraph 12(j) of the Consent Order. Paragraph 12(j) states as follows:

**“j. Licensee agrees to have his practice monitored for at least one (1) year. The monitor must be a licensed chiropractor approved by the Board or its designee. Each month the monitor shall review 20% of Licensee’s patient charts. On or before eight (8) days after the end of the month, Licensee shall provide the monitor with a list of all patients seen that month. The monitor will select the charts for review. The monitor shall provide a monthly report to the Board indicating whether Licensee met the standard of care. The monitor shall review all aspects of care, but shall pay special**

attention to Licensee's physical exam and assessment of the patients. The Board will provide a form for the monitor reporting. Licensee is responsible to ensure that the monitor provides the reports on or before the 25<sup>th</sup> day of the month, for the patients seen the previous month. Licensee is responsible for any expenses associated with the monitoring. This provision is in effect for at least one year, which means the monitor must submit at least twelve (12) reports before the Board can consider terminating this provision. Licensee must continue to have his practice monitored until further order by the Board. For any period of time that Licensee is not actively practicing the healing arts in Kansas, the monitoring provision of this Consent Order will be tolled and not be counted in reducing said time frames. Any extension of time or grace period for reporting granted by Board staff shall not be a waiver or preclude the Board's right to take action at a later time. The Board shall not be required to grant future extensions of time or grace periods."

3. Since the time that Licensee entered into the Consent Order, the Board has not received any evidence or indication of any notable deviations from the standard of care in the reviews of Licensee's patient charts that would show non-compliance with the provisions of 12(j) of the Consent Order.

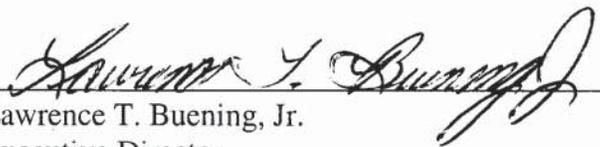
4. More than one year has passed since Licensee entered into the Consent Order with the Board.

5. Licensee has met the burden of showing good cause for terminating the provisions of paragraph 12(j) of the August 25, 2003 Consent Order.

**NOW THEREFORE**, it is ordered that the findings above made be and the same are hereby made the order of the Board. Paragraph 12(j) of the Consent Order is hereby terminated.

**IT IS SO ORDERED THIS** 17<sup>th</sup> day of February, 2005.

**KANSAS STATE BOARD OF HEALING ARTS**

  
Lawrence T. Buening, Jr.  
Executive Director

**CERTIFICATE OF SERVICE**

I, do hereby certify that on the 17<sup>th</sup> day of February, 2005, a true and correct copy of the above and foregoing **FINAL ORDER FOLLOWING CONFERENCE HEARING** was deposited in the United States mail, first class postage prepaid to the following:

Michael E. Martin, D.C.  
1709 SW Randolph Avenue  
Topeka, Kansas 66604

Janice L. Pauls  
1634 N. Baker  
Hutchinson, Kansas 67501

and a copy hand delivered to the office of:

Kelli J. Benintendi, Associate Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603

and the original filed with the office of Executive Director.

  
Lawrence T. Buening, Jr.  
Executive Director  
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