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KS State Board of Healing Arts

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

In the Matter of)
Michael Martin, D.C.)
)
Kansas License No. 01-04233)
_____)

KSBHA Docket No. 05-HA0041

JOURNAL ENTRY


COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through its Executive Director, Kathleen Selzler Lippert, a duly authorized representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the file and applicable statutes and being otherwise duly advised in the premises, makes the following determinations:

1. Michael Martin, D.C. (“Licensee”) maintains a license to engage in the practice of chiropractic in the State of Kansas, License No. 01-04233, and has been so licensed since approximately August 13, 1994.
2. Licensee’s license to engage in the practice of chiropractic in Kansas has been in an inactive status since approximately December 30, 2010.
3. Licensee’s last known mailing address provided to the board is: 404 E. Bannister Road, Suite A, Kansas City, Missouri 64131.
4. On or about January 5, 2011, licensee petitioned the board to lift the monitoring or supervision requirement set forth in a consent order with the Board.
5. On or about July 6, 2011, Licensee voluntarily cancelled his license to practice chiropractic in the State of Kansas, in a non-disciplinary manner.


6. On or about July 19, 2011, the board filed a Final Order denying Licensee's petition to lift the monitoring or supervision requirement set forth in the consent order, but allowed Licensee to voluntarily cancel his license to practice chiropractic in the State of Kansas, in a non-disciplinary manner, within thirty (30) days following the effective date the order.

7. 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 July, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:


Randy E. Stookey, #21885
Assistant General Counsel
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 20th day of July, 2011, a true and correct copy of the above and foregoing **JOURNAL ENTRY** was deposited in the United States Mail, first-class postage prepaid and addressed to:

Michael Martin, D.C.
404 E. Bannister Road, Suite A
Kansas City, Missouri 64131

And a copy was hand delivered to the office of:


Janith A. Lewis, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Street, Lower Level- Suite A
Topeka, Kansas 66612

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

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson Street, Lower Level- Suite A
Topeka, Kansas 66612

The original filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson Street, Lower Level- Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant

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KS State Board of Healing Arts

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

In the Matter of)
Michael Martin, D.C.)
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Kansas License No. 01-04233)
_____)

KSBHA Docket No. 05-HA0041

FINAL ORDER FOLLOWING CONFERENCE HEARING
(Pursuant to K.S.A. 77-501, et seq.)

NOW, on this 17th day of June, 2011, comes before the Kansas State Board of Healing Arts (“Board”) the motion of Michael Martin, D.C. (“Licensee”) for termination of a monitoring requirement imposed under the terms of a Consent Order in Docket No. 05-HA00110. Licensee appears *pro se*. Janith A. Lewis, Associate Litigation Counsel, appears on behalf of the Respondent 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 following a conference hearing in the above-captioned matter. After reviewing the file, hearing the testimony and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions of law and order:

I. Findings of Fact

1. Licensee maintains a license to engage in the practice of chiropractic in the State of Kansas, License No. 01-04233, and has been so licensed since approximately August 13, 1994.

2. Licensee’s license to engage in the practice of chiropractic in the State of Kansas has been in an inactive status since approximately December 30, 2010.

3. Licensee's last known mailing address provided to the Board is: confidential Street, Kansas City, MO 64131.

4. On or about October 10, 2005, Licensee entered into a Consent Order with the Board for resolution of alleged violations of the Kansas Healing Arts Act. Under the terms of the Consent Order Licensee was required to: attend and complete a ProBe ethics course on or before December 1, 2006; immediately notify the Board if Licensee began to practice chiropractic in the State of Kansas; and, be supervised by a Board-approved supervisor, for at least one (1) year, if Licensee began to practice chiropractic in the State of Kansas. The Consent Order required Licensee to petition the Board for modification or discontinuance of the limitation on his license.

5. On or about December 1 2006, Licensee submitted evidence to the Board of his completion of the ProBe ethics course.

6. On or about January 5, 2011, Licensee petitioned the Board to lift the monitoring or supervision requirement in the Consent Order.

7. On May 18, 2011, the Respondent Board filed a Response to Licensee's Petition.

8. On or about May 24, 2011, Licensee submitted a letter to the Board stating that Licensee had not been practicing chiropractic in Kansas and did not intend to practice chiropractic in Kansas in the future. Licensee's letter further states that Licensee had been actively practicing chiropractic in other states, and requested that the Board modify or absolve the terms of the Consent Order requiring a one-year supervisory period of the Licensee if he began to practice chiropractic in the State of Kansas.

9. During the June 17, 2011 conference hearing, Licensee requested that the Consent Order be set aside, by virtue of the fact that he could only satisfy the terms of the Consent Order

by practicing chiropractic in the State of Kansas and that he had no intention to practice chiropractic in Kansas.

II. Applicable Law

10. K.S.A. 77-501, *et seq.* – Kansas Administrative Procedure Act

11. K.S.A. 65-2801, *et seq.* – Kansas Healing Arts Act

III. Policy

12. 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.

13. KSBHA Policy Number 08-02, Cancellation of Licenses by Request.

IV. Conclusions of Law

14. Licensee has not satisfied all requirements of the Consent Order entered by the Board in the above-referenced matter.

15. Termination of the supervision requirement in the Consent Order would allow Licensee to change his license to practice chiropractic in Kansas from an inactive status to an active status, and immediately begin practicing chiropractic in Kansas without supervision.

16. Licensee has not presented sufficient evidence to the Board to justify the modification or discontinuance of the supervision requirement in the Consent Order if Licensee were to begin the practice of chiropractic in Kansas.

17. The Board may allow a Licensee to voluntarily cancel an active or inactive license outside of the annual renewal period.

V. Order

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee has failed to provide sufficient evidence of satisfaction of all terms of the Consent Order in Docket No. 05-HA00110.


IT IS FURTHER ORDERED that Licensee's motion to terminate, modify, or discontinue the limitation placed on Licensee's license to practice chiropractic in the State of Kansas, by the Consent Order, or to lift the monitoring or supervision requirement in the Consent Order, is hereby denied.

IT IS FURTHER ORDERED that Licensee may voluntarily cancel his license to practice chiropractic in the State of Kansas, in a non-disciplinary manner, within thirty (30) days following the effective date this Order.

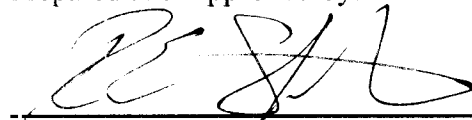
IT IS FURTHER ORDERED that Licensee may voluntarily not renew his license to practice chiropractic in the State of Kansas during the annual renewal period.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 7 DAY OF July, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Dippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:



Randy E. Stookey, #21885
Assistant General Counsel
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 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Final Order was served this 7th day of July, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Michael Martin, D.C.
confidential
Kansas City, MO 64131

And a copy was hand-delivered to the following:

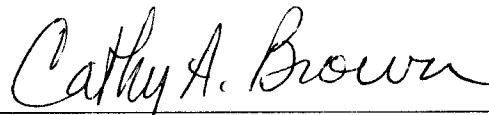
Janith A. Lewis, Associate Litigation Counsel
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Katy Lenahan, Licensing Administrator
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800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

The original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant
Kansas State Board of Healing Arts