

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

In the Matter of)	
)	
Brian L. Miller, P.T.)	KSBHA Docket No. 12-HA00019
Kansas License No. 11-04343)	
_____)	

FINAL ORDER TERMINATING MONITORING REQUIREMENTS

NOW on this 11th day of September 2012, comes on for hearing before Presiding Officer, Dr. Myron Leinwetter, D.O., the request of Brian L. Miller, P.T. (“Licensee”) for termination of monitoring provisions agreed to by the parties in a Consent Order entered in Docket No. 12-HA00019. Licensee appears by telephone and *pro se*. Jessica A. Bryson, Litigation Counsel, appears on behalf of the Board.

Pursuant to the authority granted to the Board by K.S.A. 65-2901 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A.77-501 *et seq.*, the Presiding Officer hereby enters this Final Order terminating the monitoring requirements in the above-captioned matter. After reviewing the agency record, hearing the statements of the parties, and being otherwise duly advised in the premises, the Presiding Officer makes the following finding, conclusions and order:

1. Brian L. Miller (“Licensee”) is presently licensed to engage in the practice of physical therapy in the State of Kansas, License No. 11-04343.
2. On or about June 3, 2011, Licensee submitted to the Board an application for a temporary license in physical therapy.
3. In his application, Licensee answered “yes” to disciplinary question #12t, which asks: “Have you ever been arrested? Do not include minor traffic or parking

violations or citations except those related to a DUI, DWI, or a similar charge. You must include all arrests including those that have been set aside, dismissed or expunged or where a stay of execution has been issued.”

4. Licensee disclosed that he had been arrested for driving under the influence (DUI) on October 9, 2010.

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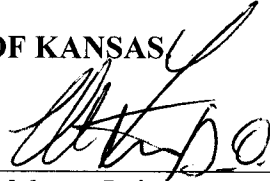
11. On August 9, 2012, Licensee filed a Petition to Terminate Monitoring and Limitations with the Board.

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15. The Presiding Officer concludes that Licensee has satisfied all terms and conditions of the Consent Order and that Licensee's request to terminate monitoring requirements of the Consent Order is hereby granted.

IT IS THEREFORE ORDERED, Licensee's request to terminate the monitoring requirements of the Consent Order is hereby **GRANTED**.

IT IS SO ORDERED THIS 13th DAY OF September 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS



Dr. Myron Leinwetter
Presiding Officer

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. 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, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **Final Order Terminating Monitoring Requirements** was served this 14th day of September 2012, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Brian Lee Miller, PT
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Wichita, KS 67226
Licensee

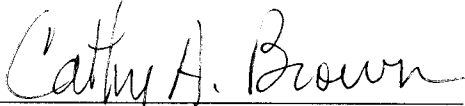
and a copy was hand-delivered to:

Jessica A. Bryson
Associate Litigation Counsel
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

Melissa Massey
Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

and the original was filed with the office of the Executive Director:

Kathleen Selzler Lippert
Executive Director
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612



Cathy Brown
Executive Assistant