

**EFFECTIVE AS A
FINAL ORDER**

DATE: 10/15/13

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

FILED
SEP 24 2013

CAB

KS State Board of Healing Arts

In the Matter of)
Michael C. Miranda, M.D.,)
)
Kansas License No. 08-00262)
_____)

Docket No. 14-HA 00044

SUMMARY ORDER

NOW ON THIS 23rd day of Sept, 2013, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

Pursuant to K.S.A. 77-537, this Summary Order shall become effective as a Final Order, without further notice, if no request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

Findings of Fact

1. Michael C. Miranda, M.D. ("Licensee") was originally issued an Institutional License with license number 08-00262 to practice medicine and surgery in the state of Kansas on approximately February 3, 2003. On or about June 14, 2013, Licensee's Institutional License was canceled because his employment that served as a basis for the Institutional License was terminated.

2. Licensee's last known mailing address to the Board is: **Confidential**
Overland Park, Kansas 66223.

3. On or about January 23, 2013, the Board received an application to renew

Licensee's Institutional License from Licensee. On that renewal form of Licensee's Institutional License it states, "Continuing Education Certification: A minimum of 100 hours with proof of at least 40 Category I hours over the past two (2) years is required. Please attach copies of Category I certificates and a list, including subject, date and hours, for Category II." Pursuant to that request, Licensee submitted proof of completing 56.25 hours of Category I Continuing Medical Education (CME). Of those hours, 11.75 hours were completed on January 7, 2013, and 44.5 hours were obtained on January 10, 2013.

4. Katy Lenahan, Licensing Administrator, contacted Licensee via the telephone. In that phone conversation, Ms. Lenahan inquired as to whether Licensee had in fact completed 44.5 hours of Category I CMEs in one day. Licensee advised Ms. Lenahan that he did complete the 44.5 hours of Category I CMEs in one day. He also advised Ms. Lenahan that he was able to complete the 44.5 hours of Category 1 CMEs in one day because he skipped the reading that was associated with the CMEs and went directly to the tests that were associated with the CMEs instead of completing the entire course.

Applicable Law

5. K.S.A. 65-2836 states in pertinent part: "A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured . . . upon a finding of the existence of any of the following grounds:...(b) The licensee has committed an act of unprofessional or dishonorable conduct...."

6. K.S.A. 65-2895(d) states in pertinent part: "An institutional license shall be valid for a period of two years after the date of issuance and may be renewed for additional two-year periods if the applicant...has submitted evidence of satisfactory completion of a program of continuing education required by the board."

7. K.A.R. 100-15-3(a) states in pertinent part: “Each institutional licensee shall submit, with an application for renewal of the license, evidence of satisfactory completion of a minimum of 100 hours of continuing education within the previous two-year period.”

8. K.A.R. 100-15-4 states in pertinent part: “(a) ‘Continuing Education’ shall mean an activity designed to maintain, develop, or increase the knowledge, skills, and professional performance of persons licensed to practice a branch of the healing arts. Each continuing education activity shall have significant intellectual or practical content, shall be relevant to the branch of healing arts for which the practitioner is licensed... (d) Credit for continuing education activities shall be awarded on the basis of one credit for each 50 minutes spent in attendance at a continuing education activity.”

Conclusions of Law

9. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

10. The Board finds that Licensee violated K.S.A. 65-2836(b) by committing unprofessional and dishonorable conduct when he failed to read the reading portion of 44.5 hours of Category I CME thereby allowing him to take 44.5 hours of category I CME in one (1) day. Furthermore, he participated in further unprofessional and dishonorable conduct when he submitted those 44.5 hours of Category I CME as proof of his compliance with his licensing renewal requirement.

11. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board to give notice and

opportunity to participate to persons other than Licensee, Michael C. Miranda, M.D..

IT IS, THEREFORE, ORDERED that Licensee's license to practice medicine and surgery in the State of Kansas is hereby placed under **PROBATIONARY CONDITIONS** that requires the completion of **twelve (12) additional hours of in-person Continuing Medical Education** for Licensee's violations of the Healing Arts Act. Pursuant to the probationary conditions:

12. Within ten (10) days of this order becoming a Final Order, Licensee shall identify twelve (12) additional in-person CME hours that he will attend by February 3, 2014.

13. Within ten (10) days of identifying the additional twelve (12) hours of CME, Licensee shall submit a list, in writing, of courses that he will be taking to satisfy this order to the Compliance Coordinator for the Board.

14. By February 3, 2014, Licensee shall submit to the Compliance Coordinator for the Board, proof of completion of the said twelve (12) additional hours of CME. Proof shall be in the form of certificates of successful completion.

15. These hours shall be in addition to Licensee's statutory and regulatory minimum hours that he must complete for licensure.

16. Licensee shall be responsible for all costs associated with his compliance with this order, including but not limited to, CME registration fees, travel to and from the course, lodging, and food.

17. Once proof of completion of said twelve (12) additional hours of CME are provided to the Board, Licensee's probationary conditions will be lifted.

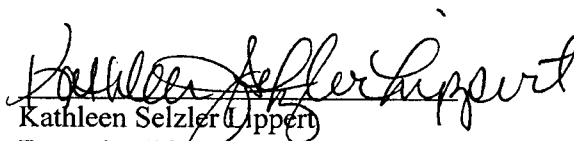
18. All correspondence or communication between Licensee and the Board relating to this Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn:

Compliance Coordinator, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 23 day of Sept, 2013.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Executive Director

NOTICE OF RIGHTS

(Pursuant to K.S.A. 77-542)

Licensee is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Licensee desires a hearing, within fifteen (15) days from the date of service of this Order, Licensee must file a written request for a hearing with the office of the Executive Director at:

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

If Licensee requests a hearing, the Kansas State Board of Healing Arts will notify the Licensee of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before

commencement of the same. If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-542. Pursuant to K.S.A. 77-613(e), the Executive Director is the agency officer designated to receive service of petition for judicial review on behalf of the agency.

FINAL ORDER 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, Executive Director, Kansas Board of Healing Arts, 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** was served this 15th day of Oct, 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Michael C. Miranda
Confidential
Overland Park, KS 66223

And a copy was hand-delivered to:

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

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant