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K.S. State Board of Healing Arts

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

In the Matter of)
Nick A. Navato, D.O.)
)
Kansas License No. 05-27198)
_____)

KSBHA Docket No. 11-HA00067

FINAL ORDER TERMINATING PROBATION

NOW, on this 21st day of October 2011, comes before the Kansas State Board of Healing Arts (“Board”) the Motion of Nick A. Navato, D.O. (“Licensee”) for Termination of Probation under the terms of a Consent Order filed in this matter. 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, conclusions and order:

1. Licensee is licensed to engage in the practice of osteopathic medicine and surgery in the State of Kansas, License No. 05-27198, and has been so licensed since approximately August 16, 1997.
2. On or about March 1, 2011, Licensee entered into a Consent Order with the Board which imposed a term of probation upon Licensee’s license which required him to complete a continuing education course in record-keeping with a minimum of six (6) months follow-up chart review; complete a continuing education course in prescribing of controlled substances; and submit proof successful completion of both courses by April 30, 2011.

3. The terms of the Consent Order allow Licensee to petition the Board for modification or termination of the probation after completion of the education requirements.

4. On or about September 21, 2011, Licensee requested the Board terminate the term of probation of Licensee's license.

5. On or about September 22, 2011, the Respondent Board filed a neutral Response to Licensee's request.

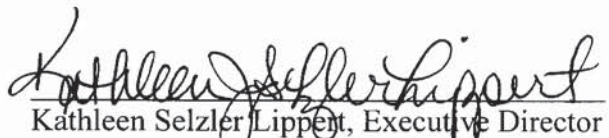
6. Licensee has submitted proof of successful completion of medical record keeping and physician prescribing courses through PACE at the University of California, San Diego School of Medicine.

7. Licensee has also submitted a satisfactory summary of the Evaluation and Management chart review conducted by Physicians Business Network, in Overland Park, Kansas.

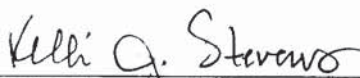
8. Licensee has sufficiently completed all required provisions of his probation and termination is warranted.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that the probation of Licensee's license is hereby terminated.

IT IS SO ORDERED THIS 21ST DAY OF NOVEMBER, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

Prepared by:


Kelli J. Stevens, #16032
General Counsel

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and 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 and correct copy of the above and foregoing **Final Order Terminating Probation** was served this 21st day of November, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Nick A. Navato, D.O.
confidential

Independence, MO 64057
Licensee

And a copy was hand-delivered to:

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

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
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

And a courtesy copy was mailed to:

Randal L. Shultz
Polsinelli & Shughart, PC
700 W. 47th Street, Ste. 1000
Kansas City, MO 64112
Licensee's Attorney

And 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