

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

FILED (HAB)  
JAN 26 2016

In the Matter of )  
 )  
THOMAS M. PROSE, M.D. )  
Kansas License No. 04-30383 )  
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KS State Board of Healing Arts

Docket No. 15-HA-00010

**ORDER GRANTING STAY OF EFFECTIVENESS OF FINAL ORDER**

NOW on this the 25 of January, 2016, comes before the Kansas State Board of Healing Arts (“Board”), Respondent’s Request to Stay Effectiveness of Final Order requesting that the January 11, 2016 Final Order and the sanctions of a thirty (30) day license suspension, an administrative fine of \$2,499.00, and assessment of the costs of the proceeding in the amount of \$6,464.35, be stayed until completion of reconsideration and/or judicial review of the Final Order.

Having reviewed the Motion and been made aware that Petitioner does not oppose Respondent’s Motion, the Board finds, concludes, and orders as follows:

1. On January 11, 2016, the Board entered a Final Order imposing sanctions against Respondent, including a thirty (30) day suspension of Respondent’s license to practice medicine, commencing February 1, 2016, a fine in the amount \$2499.00, and assessment of costs in the amount of \$6,464.35.

2. The sanctions were imposed based on the Board’s determination that Respondent had committed misrepresentations in multiple renewal applications regarding an investigation and subsequent discipline imposed by the Office of Inspector General.

3. On January 20, 2016, Respondent filed a Motion for Stay of Effectiveness of Final Order stating that Respondent intends to timely file a Request for Reconsideration with the

Board and/or a Petition for Judicial Review of the Board's Final Order, pursuant to Kansas Judicial Review Act, K.S.A. 77-601, *et seq.*

4. K.S.A 77-528 states:

Until the time at which a petition for judicial review would no longer be timely, a party may submit to the presiding officer or agency head a petition for stay of effectiveness of an initial or final order, unless otherwise provided by statute or stated in the initial or final order. The presiding officer or agency head may take action on the petition for stay, either before or after the effective date of the initial or final order.

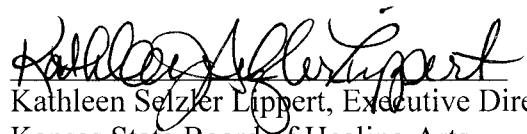
5. The sanctions imposed by the Final order are punitive in nature.

6. The Board concludes that the temporary stay of the Final Order sought by Respondent will not create any risk or threaten harm to the public health, safety or welfare, or substantially harm other parties to the proceeding pending reconsideration and/or judicial review of the Final Order.

7. The Board concludes that based upon the facts and circumstances in this matter, it is reasonable to grant a stay of the Final Order until completion of Board reconsideration and/or judicial review of the Final Order.

**IT IS THEREFORE ORDERED** that the Final Order and imposition of all sanctions against Respondent shall be **STAYED** effective January 25, 2016, until the conclusion of Board reconsideration and/or judicial review of the Final Order.

**IT IS SO ORDERED THIS 25 DAY OF JANUARY, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Seizler Lippert, Executive Director  
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. Service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Respondent 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, Executive Director, Kansas State 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 above and foregoing **ORDER GRANTING STAY OF EFFECTIVENESS OF FINAL ORDER** was served this 26<sup>th</sup> day of January, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Thomas M. Prose  
**Confidential**  
Novi, Michigan 48375

Blake H. Reeves  
Polsinelli, P.C.  
900 W. 48<sup>th</sup> Place, Ste. 900  
Kansas City, MO 64112


And a copy was delivered to:

Anne Barker Hall, Associate Litigation Counsel  
Reese Hays, Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Compliance Coordinator  
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

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

  
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Cathy Brown, Executive Assistant