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SEP 06 2016
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
ANTHONY FRANCIS, M.D.	)	
	)	**KSBHA Docket No. 89-HA00025**
Kansas License No. 04-17828	)	
	)	

FINAL ORDER ON RECONSIDERATION GRANTING MODIFICATION OF LIMITATION

NOW on this 12th day of August, 2016, comes before the Kansas State Board of Healing Arts ("Board") the request of Anthony Francis, MD ("Licensee") for reconsideration of his request for termination or modification of the limitation imposed in the Amended Stipulation filed with the Board on April 16, 1992, in this matter. Licensee appears in person and *pro se*. Jane Weiler, Associate Litigation Counsel, appears on behalf of the 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 in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee was previously actively licensed to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-17828 in 1978. Such active license was voluntarily changed to an exempt license designation in 1999. Licensee's license currently has an exempt designation and was last renewed on June 20, 2016.

2. On or about May 8, 1989, Licensee entered into a Stipulation agreement with the Board to resolve concerns regarding Licensee's legal testimony, use of titles on letterhead and other concerns. An Enforcement Order was filed on May 8, 1989, to effectuate the Stipulation. The Stipulation and Enforcement Order limited Licensee to performing only orthopedic surgery, and only treating outpatients and patients within the hospital as normally came under his care. Licensee was further limited from providing medical or legal testimony or to act as a medical or legal expert and from using any letterhead that displayed any credentials other than his M.D.

3. An Order Amending Stipulation and Modifying Enforcement Order was filed on July 26, 1991, which amended the limitation on Licensee's license to allow him to perform minor emergency procedures.

4. An additional Order Amending Stipulation and Modifying Enforcement Order was filed on April 16, 1992, which further amended the limitation on Licensee's license to allow full scope practice of medicine and surgery. The prohibition on giving medical and legal testimony or acting as a medical or legal expert in judicial or administrative proceedings remained in effect.

5. On February 22, 2016, Licensee submitted a Request for Termination or Modification of Limitation on Testimony Stipulation. In his Motion, Licensee stated that he believed the limitation was eliminated when he changed his license designation from active to exempt status. Licensee further indicated he had been performing evaluations of disability claims for the Social Security Administration under his exempt license since June of 2005. Licensee's Request for termination or modification of the limitation is for the purpose of allowing him to continue performing Social Security disability evaluations.

6. A conference hearing on Licensee's Request was held before the Board on April 10, 2016.

7. At the April 10, 2016 conference hearing, the Board concluded that the Licensee failed to provide sufficient evidence of good cause for the limitation to be terminated or modified. A Final Order Denying Modification of Limitation was filed with the Board on May 2, 2016.

8. On May 16, 2016, Licensee filed a request for reconsideration with the Board. The Board granted reconsideration on June 1, 2016, and set the matter for further proceedings in a conference hearing on August 12, 2016.

9. During the August 12, 2016 conference hearing, Licensee clarified his request as only modifying the limitation to allow him to work for the Social Security Administration. Licensee's duties with the Social Security Administration primarily include chart review to determine disability and providing testimony in disability determination hearings.

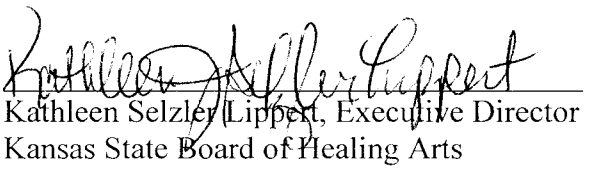
10. Based on the testimony presented, the Board concludes that modifying the limitation to allow Licensee to perform disability determinations and testify in the associated hearing will not pose a threat to public safety and that modification is warranted under the circumstances.

11. All other provisions of the 1992 Amended Stipulation shall remain in full force and effect.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS that the **LIMITATION** on Licensee' license is hereby **MODIFIED** to allow Licensee to perform all duties in the scope of his employment with the Social Security

Administration, including performing medical expert evaluations of disability claims and providing testimony in Social Security disability hearings.

IT IS SO ORDERED THIS 28 DAY OF ~~AUGUST~~ Sept, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Kathleen Selzler 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, 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, 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 and correct copy of the above and foregoing **FINAL ORDER ON RECONSIDERATION GRANTING MODIFICATION OF LIMITATION** was served this 6th day of September, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Anthony Francis, MD
Confidential
Wichita, KS 67220

And a copy was delivered to:

Jane Weiler, Associate 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

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

Cathy A. Brown

Cathy Brown, Executive Assistant