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SEP 13 2007

KS State Board of Healing Arts

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

In the Matter of)
)
MICHAEL MARTIN, D.C.)
Kansas License No. 01-04233)
_____)

Docket No. 05-ha-0041

JOURNAL ENTRY

NOW, on this 13th day of September, 2007, the above-entitled matter comes on before Lawrence T. Buening, Jr., Executive Director of the Kansas State Board of Healing Arts (“Board”). After reviewing the filing and being duly advised in the premises, the Executive Director makes the following determinations:

1. The Request to Terminate Consent Order filed in the above-entitled matter on June 19, 2007 by Michael Martin, D.C. (“Licensee”), was scheduled for a Conference Hearing before the Board as a whole at 9:00 a.m. on August 18, 2007.

2. Licensee failed to attend or participate in the Conference Hearing and the Board issued a Proposed Default Order which was filed on August 28, 2007, and served on all parties on that date.

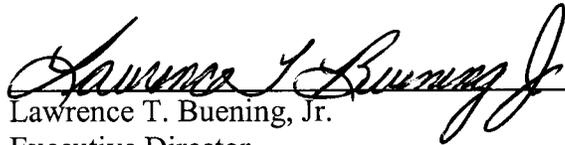
3. K.S.A. 77-520(b) provides and the Proposed Default Order contained a notice that within seven days after service, the party against whom a proposed default order is issued may file a written motion requesting that the proposed default order be vacated.

4. K.S.A. 77-520(c) provides and the Proposed Default Order contained a notice that a proposed default order shall become effective after the expiration of the time within which a party may file a written motion requesting that the proposed default order be vacated unless a written motion to vacate the order is filed within such time.

5. Licensee has not filed a written motion to vacate the Proposed Default Order and, therefore, the Proposed Default Order became effective as an order of the Board and the Request to Terminate Consent Order filed by Michael Martin, D.C. was denied effective September 13, 2007.

DATED this 13th day of September 2007.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

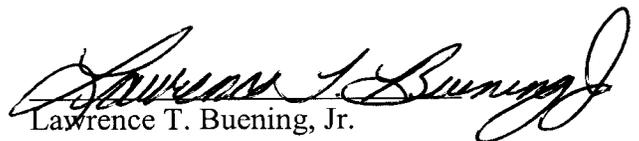
I, do hereby certify that on the 13th day of September 2007, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Michael Martin, D.C.
Confidential
Kansas City, KS 66106

and a copy hand delivered to the offices of:

Kathleen Selzler Lippert, Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, KS 66603

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


Lawrence T. Buening, Jr.
Executive Director
(785) 296-3680

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AUG 28 2007

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

KS State Board of Healing Arts

In the Matter of)
Michael Martin, DC)
)
Kansas License No. 01-04233)
_____)

Docket No. 05-HA-0041

PROPOSED DEFAULT ORDER

NOW ON THIS Eighteen Day of August 2007, this matter comes before the Board for a conference hearing regarding the Licensee's request to terminate the Consent Order filed October 10, 2005. Licensee does not appear. Kelli Stevens, Litigation Counsel, appears for the Board in opposition to Licensee's request.

Having the agency record before it, the Board makes the following findings of fact and conclusions of law:

1. Licensee is in default by his non-appearance. The Board concludes that a proposed default order is appropriate, stating the resolution of the matter and the grounds upon which the matter will be resolved unless a party pursues a motion to vacate the proposed order.

2. This matter began when the Board filed a Petition in December 2004 against Licensee's license requesting disciplinary action for alleged false and/or misleading billing, failure to keep accurate patient records, and unprofessional and/or dishonorable communications towards a patient.

3. The allegations in the Petition were subsequently resolved by a Consent Order agreed to by the parties and filed with the Board on October 10, 2005.

4. In the Consent Order, Licensee agreed to a public censure, to complete the ProBE ethics course, and to notify the Board immediately upon actively practicing chiropractic in the state of Kansas. The Consent Order requires Licensee's practice, to including billing procedures,

to be supervised for at least one (1) year if he returns to the active practice in the State of Kansas.

5. Licensee requests that the terms of his Consent Order be terminated because he has completed the ProBE ethics course and he has no intention on practicing chiropractic in the State of Kansas in the near future.

6. Licensee completed the ProBE ethics course in November 2006, but he received a “negative” overall assessment.

7. Since the filing of the Consent Order, Licensee has not returned to the active practice of chiropractic in the State of Kansas. As such, he has not completed the supervised practice requirements set forth in the Consent Order.

8. The Board finds that there are grounds to deny Licensee’s request to terminate the provisions of the Consent Order.

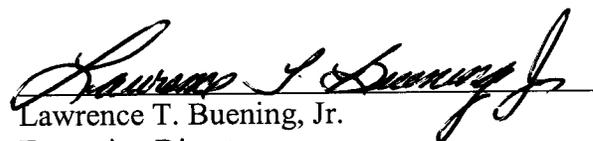
9. Based on Licensee’s non-appearance at this conference hearing, the Board finds and concludes that Licensee has abandoned his request to terminate the requirements of the Consent Order, and that his request should be denied.

IT IS, THEREFORE, ORDERED that the request of Licensee is hereby denied.

PLEASE TAKE NOTICE that this is a proposed default order. A party may file a motion to vacate a proposed default order within seven days following service of the proposed order. Any such motion must state its grounds and be served with the Executive Director at 235 S. Topkea Boulevard, Topeka, Kansas 66603. If no motion to vacate the proposed default order is filed within the seven day period, the proposed default order becomes effective as a final agency order after the expiration of the seven day period.

Dated this 28th day of August 2007.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Notice of Hearing was served this 28th day of August, 2007 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

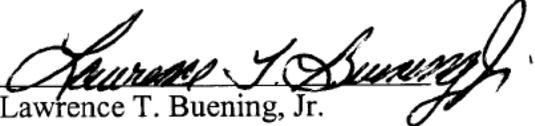
Michael Martin, D.C.
Confidential
Kansas City, KS 66106

Janice Pauls
1634 North Baker
Hutchinson, Kansas 67501

and a copy hand delivered to the office of:

Kelli Stevens, Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original filed with the office of Executive Director.


Lawrence T. Buening, Jr.
Executive Director