FILED
APR 15 2016
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
FRANK D. MILLER, D.C.	)	
	)	
	)	**KSBHA Docket No. 15-HA00105**
Kansas License No. 01-04320	)	
	)	

FINAL ORDER GRANTING STAY OF SUSPENSION

NOW on this 8th day of April, 2016, comes before the Kansas State Board of Healing Arts ("Board") the request of Frank D. Miller, D.C. ("Licensee") for termination of the suspension contained in the Consent Order filed on December 30, 2015. Licensee appears in person and *through counsel* Robert L. Farmer of Nuss & Farmer, P.A. Anne Barker Hall, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to Board by 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, receiving evidence, and being otherwise advised in the premises, the Board makes the following findings, conclusions and order:

1. On January 22, 2015, Licensee submitted a Motion for Reinstatement to the Board to stay the suspension imposed by the Consent Order.

2. On March 2, 2016, the Respondent Board filed a Response to Respondent's Motion for Reinstatement.

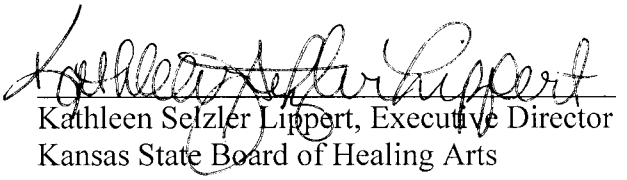
3. The Board finds that Licensee has satisfactorily served at least sixty (60) days suspension, completed and passed all five (5) topic areas of the EBAS Essay Examination put on by the Ethics and Boundaries Assessment Services, LLC., and met all applicable statutes, law,

rules and regulations regarding qualifications for licensure and reinstatement. The Board concludes that a stay of the suspension is warranted in the circumstances.

4. Upon being granted a stay of suspension, Licensee must complete no less than one (1) year of probation as outlined in the Consent Order. Licensee is required to have a practice chaperone in the room at all times he is consulting, examining, or treating a female patient for a period of at least one (1) year. Further, an approved chaperone protocol shall include daily log sheets of Licensee's patient contact to be filled out by the chaperone. In addition, Licensee is also required to have a Board approved practice monitor for a period of at least one (1) year.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that the suspension imposed by the Consent Order filed on December 30, 2015, is hereby **STAYED**.

IT IS SO ORDERED THIS 15 DAY OF APRIL, 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, 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 Granting Stay of Suspension** was served this 15th day of April, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Frank D. Miller, DC
Confidential
Fort Scott, KS 66701

Robert L. Farmer
Nuss & Farmer, P.A.
Security Professional Center
PO Box 630
Fort Scott, KS 66701

And a copy was hand-delivered to:

Reese Hays, Litigation Counsel
Anne Barker Hall, 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 H. Brown

Cathy Brown
Executive Assistant