

EFFECTIVE AS A FINAL ORDER

DATE: 4/5/16

FILED *CAF*

MAR 16 2016

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

KS State Board of Healing Arts

In the Matter of)
)
DENNIS W. MILLER, M.D.)
Kansas License No. 04-19490)
_____)

Docket No. 16-HA 00076

SUMMARY ORDER

NOW ON THIS 16 day of March, 2016, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-537, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

Findings of Fact

1. Dennis W. Miller, M.D. ("Licensee") was originally issued license number 04-19490 to practice of medicine and surgery in the State of Kansas on or about February 3, 1982. Licensee's current license designation is active.
2. Licensee's last known mailing address to the Board is: **Confidential** Kansas
City, Kansas 66102.

3. At all times relevant to the allegations set forth in the Summary Order, Licensee has held a current and active license to engage in the practice of medicine and surgery in the State of Kansas.
4. On or about October 13, 2015, Licensee entered into a Consent Order with the Board for alleged violations of the Healing Arts Act, K.S.A. 65-2801, *et seq.*, in KSBHA Docket No. 16-HA00005.
5. Pursuant to this Consent Order, Licensee was required to voluntarily resign from the staff at Overland Park Regional Medical Center by October 31, 2015.
6. On or about November 3, 2015, Licensee submitted to Overland Park Regional Medical Center a letter that he would resign his staff privileges effective November 6, 2015.
7. However, on or about November 4, 2015, Licensee submitted to Overland Park Regional Medical Center another letter that stated he would resign his staff privileges effective October 31, 2015.
8. Additionally, pursuant to this Consent Order, Licensee was required to pay the Board's costs in conducting the proceedings under the Kansas Administrative Procedure Act in the amount that was put forth by the Board in the Statement of Costs.
9. The Statement of Costs in KSBHA Docket No. 16-HA00005 put forth the amount in which Licensee should remit to the Board to be in the amount of \$5,025.00.
10. Further, Licensee was required to remit the amount of \$5,025.00 on or before December 31, 2015.
11. Licensee failed to remit the indebted amount to the Board in the amount of \$5,025.00 by the due date of December 31, 2015.

12. On or about February 18, 2016, Board staff sent to Licensee's attorney of record an e-mail that Licensee had failed to remit the aforementioned owed costs to the Board. Further, Board staff requested that Licensee remit the aforementioned on or before March 4, 2016.
13. On or about February 18, 2016, Licensee's attorney of record replied to Board staff's e-mail, "I will remind Dr. Miller."
14. Licensee failed to remit the indebted amount to the Board in the amount of \$5,025.00 by March 4, 2016.
15. Additionally, Licensee is required to change his licensure status from Active to Inactive or Exempt on or before March 31, 2016.

Applicable Law

16. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions ... upon a finding of the existence of any of the following grounds:

(k) in that Licensee violated any lawful order(s) or directive(s) of the Board previously entered by the Board.

Conclusions of Law

17. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
18. The Board finds that Licensee violated K.S.A. 65-2836(k) in that Licensee violated a lawful order of the Board previously entered into by the Board in KSBHA Docket No.

16-HA00005. Licensee violated this lawful order of the Board when he failed to resign from the staff at Overland Park Regional Medical Center by October 31, 2015.

19. Further, the Board finds that Licensee violated K.S.A. 65-2836(k) in that Licensee violated a lawful order of the Board previously entered into by the Board in KSBHA Docket No. 16-HA00005. Licensee violated this lawful order of the Board when he failed to remit the Board's incurred costs in conducting the proceedings in KSBHA Docket No. 16-HA00005, dated October 13, 2015. Therefore, Licensee has failed to comply with the aforementioned Consent Order.

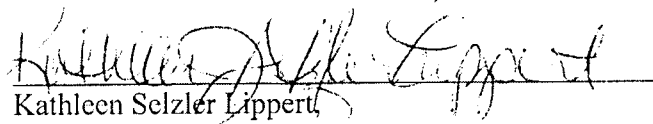
20. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Dennis W. Miller, M.D.

IT IS, THEREFORE, ORDERED that Licensee's license is hereby **INDEFINITELY SUSPENDED** for Licensee's violations of the Kansas Healing Arts Act. Licensee shall be Indefinitely Suspended until such time as he remits to the Board full payment of the Board's incurred costs in the amount that was put forth by the Board in the Statement of Costs, in the amount of \$5,025.00 in KSBHA Docket No. 16-HA00005, dated October 13, 2015.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 16 day of November, 2016.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert,
Executive Director

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. 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 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 foregoing **FINAL ORDER** was served this 5th day of April, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Dennis W. Miller, MD
Confidential

Kansas City, KS 66102

Dennis W. Miller, MD
PO Box 2235
Mission, KS 66201

Diana Jordison
Horn, Aylward & Bandy, LLC
2600 Grand Ave. Suite, 1100
Kansas City, MO 64108


And a copy was hand-delivered to:

Jane Weiler, 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

Office of the General Counsel
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 Brown, Executive Assistant