BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

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KANSAS STATE BOARD OF HEALING ARTS

In the Matter of

DOUGLAS D. FRYE, M.D., Kansas License No. 4-22923

Docket No. 02-HA-33

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FINAL ORDER

NOW, on this Fifteenth Day of February 2003, this matter comes before the Board to review the Initial Order dated January 3, 2003. Respondent appears in person and by his attorney James D. Oliver, Attorney at Law. Stacy L. Cook, Litigation Counsel, appears for Petitioner.

Having the agency record before it the Board adopts as its Final Order the findings, conclusions and order stated in the Initial Order, which dismisses Counts 1-11, Count 12 to the extent that it alleges Respondent unlawfully invaded the practice of chiropractic, and Count 13. The Board takes note that Petitioner dismisses the remainder of Count 12.

IT IS, THEREFORE ORDERED that the Petition is denied.

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. 77-610, et seq. Reconsideration of the 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 the Board's executive director at 235 S. Topeka Blvd., Topeka, KS 66603.

Dated this 18^{-41} day of February, 2003.

Kansas State Board of Healing Arts

Lawrence T. Buening, Jr. Executive Director

Executive Director

Certificate of Service

I certify that a true copy of the foregoing Order was served this <u>19</u> day of January, 2003 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Douglas D. Frye, M.D. 5000 SW 21st Street Topeka, Kansas 66604 *Respondent*

Patricia A. Sexton Polsinelli, Shalton & Welte, P.C. 700 SW 47th Street Suite 1000 K.C., Missouri 64112 *Attorney for Kansas Medical Society*

Roger Walter Morris, Laing, Evans, Brock & Kennedy, Chtd. 800 SW Jackson, Suite 1310 Topeka, KS 66612-1216 *Attorney for American Osteopathic Association and the Kansas Association of Osteopathic Medicine*

a copy was hand-delivered to the office of:

Stacy L. Cook Kansas State Board of Healing Arts 235 S. Topeka Blvd. Topeka, Kansas 66603 *Attorney for Petitioner* James D. Oliver Foulson Siefkin LLP 555 S. Kansas Avenue, Suite 101 Topeka, Kansas 66603-3423 *Attorney for Respondent*

Judy A. Pope Dickson & Pope, P.A. 700 SW Jackson Street Jayhawk Tower Building Roof Garden Suite Topeka, KS 66603 *Attorney for Kansas Chiropractic Association*

Joshua L. Prober McCullogh, Campbell & Lane 401 Michigan Avenue, Suite 1300 Chicago, IL 60611 *Attorney for American Osteopathic Association and the Kansas Association of Osteopathic Medicine*

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