

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL)
REGULATION of the State of Illinois, Complainant,)
)
v.) No. 2011-01174
)
FRANK KIRK, D.O.,)
License No. 036.079537, 336.042524, Respondent.)

CONSENT ORDER

THE DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois, DIVISION OF PROFESSIONAL REGULATION (hereinafter "Department"), by and through Jennifer E. Wilson, Staff Attorney, and Frank Kirk, D.O., by and through his attorney, Richard A. Halprin, hereby agree to the following:

STIPULATIONS

Frank Kirk, D.O. is licensed as a Physician and Surgeon in the State of Illinois, having been issued license no. 036.079537 and controlled substance license no. 336.042524. Said licenses are in active status. At all times material to the matter set forth in this Consent Order, the Department of Professional Regulation of the State of Illinois has jurisdiction over the subject matter and parties herein.

The Department received information that Respondent had engaged in a boundary violation with one of his patients by becoming inappropriately involved with said patient. The allegation as set forth herein, if proven to be true, could constitute grounds for discipline of Respondent's license as a physician and surgeon, on the authority of 225 Illinois Compiled Statutes, section 60/22 (A)(5) and (20). As a result of the foregoing allegation, the Department

and Respondent, through his attorney, Richard A. Halprin, have entered into negotiations in an effort to amicably resolve this matter. During negotiations, Respondent's attorney advised the Department that the complainant in this matter has also filed a civil lawsuit in the Circuit Court of Cook County arising out of the same set of factual allegations as those presented herein.

The Respondent has been advised of the right to accept or reject this Consent Order. Respondent has been advised of the right to have the pending allegation reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order. Such waiver shall cease if the Consent Order is not acceptable to the Board or to the Director.

The Respondent willingly enters into this Consent Order. The Respondent has been informed that this Consent Order will be presented to the Director. If this Consent Order is not approved, the Respondent waives any right to raise any prejudice resulting from the Director's consideration of this Consent Order. The Respondent understands that this Consent Order is not effective unless and until it is adopted by the Director.

In order to resolve this matter, the Respondent and the Department have agreed that the Respondent be permitted to enter into a Consent Order with the Department, providing for the imposition of measures which are fair and equitable in the circumstances and which are consistent with the best interests of the People of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Jennifer E. Wilson, Staff Attorney, and Frank Kirk, D.O., Respondent, by and through his attorney, Richard A. Halprin, hereby agree:

- A. That Respondent's physician and surgeon license, no. 036.079537 and controlled

substance license no. 336.042524, shall be placed on INDEFINITE SUSPENSION.

Respondent cannot petition to restore his license to unencumbered status for at least one (1) year from the effective date of this Consent Order.

B. Prior to petitioning to restore his license, Respondent shall fulfill the following conditions:

1. Respondent shall complete a Continuing Medical Education course related to professional boundaries and medical ethics. Said course shall be taken in person and shall be pre-approved by the Department's Medical Coordinator;
2. Respondent shall submit to a drug screen and a psychiatric evaluation conducted by a Board-certified psychiatrist pre-approved by the Medical Disciplinary Board. Further, Respondent shall submit to any further examinations or testing deemed necessary by any examining physician(s) to determine whether Respondent is mentally and/or physically impaired, which results in his inability to practice medicine with reasonable judgment, skill, or safety in compliance with acceptable and prevailing professional standards;
3. The result of these examinations shall be reported to the Department by the examining physician(s) in a detailed written report, setting forth their findings and conclusions about whether (1) Respondent is mentally and physically impaired and (2) Respondent is capable of practicing medicine with reasonable judgment, skill, or safety in compliance with acceptable and prevailing professional standards. The

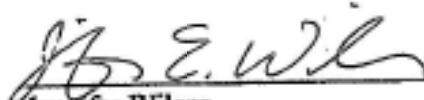
cost of the psychiatric examination and/or any further testing required as well as the cost for the preparation of a detailed report shall be paid by the Respondent. Said report(s) shall be submitted to the Department at the time Respondent files his Petition for Restoration;

4. Respondent shall comply with any and all treatment recommendations of the aforementioned psychiatric evaluation and submit proof of his compliance to the Department at the time of filing his Petition for Restoration;
 5. In addition to any treatment recommendations made based on the aforementioned psychiatric evaluation, Respondent shall come under the care and treatment of the Illinois Professionals Health Program. Respondent shall comply with all recommendations and conditions outlined by the Illinois Professionals Health Program. Respondent shall submit proof of his compliance with all treatment recommendations and conditions outlined by the Illinois Professionals Health Program to the Department at the time of Respondent files his Petition for Restoration;
 6. Respondent shall execute such releases of medical and psychiatric records as necessary for use by the Medical Disciplinary Board or other Department's designee to obtain copies of medical records and authorize the Department's designee to discuss Respondent's case with his treating physician(s) and other healthcare provider(s);
- C. This Consent Order shall become effective fourteen (14) days after the signing and

approval by the Director of the Division of Professional Regulation.

DIVISION OF PROFESSIONAL REGULATION
of the State of Illinois

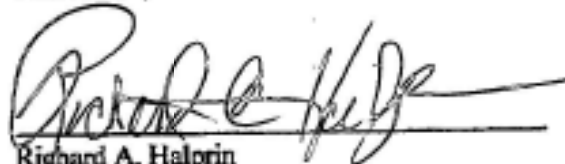
3/30/12
DATE
Staff Attorney


Jennifer Wilson

3/30/12
DATE


Frank Kirk, D.O.

3/30/12
DATE
Attorney for Respondent


Richard A. Halprin

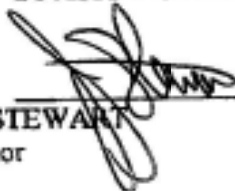
4-18-12
DATE


Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 16th day of May, 2012.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION of the State of Illinois,
BRENT E. ADAMS, SECRETARY
DIVISION OF PROFESSIONAL REGULATION


JAY STEWART
Director

Case No. 2011-01174
License No. 036.079537