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

MAY 1 2 2008

KS State Board of Healing Arts

In the Matter of)
Todd Eck, DC)
)
Kansas License No. 01-03922)
_____)

Docket No. 08-HA00050

FINAL ORDER

NOW ON THIS Twenty Sixth Day of April 2008, this matter comes before the Board to review an Initial Order issued March 12, 2008 by Presiding Officer Mark A. McCune, M.D. Dan Riley, Associate Counsel, appears for Petitioner. Respondent does not appear.

The Board adopts the findings of fact and conclusions of law stated in the Initial Order. Specifically, the Board finds as follows:

1. In February 2004 the Board commenced an administrative proceeding styled as In the Matter of Todd H. Eck, D.C., docket number 04-HA-45, alleging that Respondent had violated the healing arts act by using printed advertisements that did not meet the requirements of the act. The Petition specifically alleged that Respondent had, among other things, used the title of doctor without identifying the branch of the healing arts for which he was licensed. The Board adopted a consent order dated April 19, 2004 in which Respondent accepted a censure and paid a fine in the amount of \$2500 as resolution of the allegations.

2. The instant proceeding was initiated by a Petition filed October 29, 2007 that alleged Respondent used printed advertisements in two media that failed to identify the branch of the healing arts for which he is licensed. Those advertisements were published in December 2005. Respondent does not deny this allegation. He does provide examples of advertisements in which he properly identifies his profession.

3. K.S.A. 65-2885 requires licensees of the healing arts using the title of Dr. to identify the branch of the healing arts for which they are licensed.

4. The Board finds that Respondent has failed to identify his profession in printed advertisements on multiple occasions, even after he had been censured and fined for doing so in the past. Further, the Board finds that Respondent's failure to identify his

profession in the advertisements in question was not intentional, but was the result of his inexcusable neglect.

5. The Board concludes that Respondent has repeatedly violated the provisions of the healing arts act. K.S.A. 65-2836(f) provides that the Board may revoke, suspend, or limit a license or censure a licensee upon a finding that the licensee willfully or repeatedly violates the healing arts act. Additionally, the Board may assess a civil fine upon a finding of a violation of the healing arts act, as provided by K.S.A. 65-2863a.

The Board makes the additional policy reasons for its order, and modifies the Initial Order accordingly:

6. The Board recently adopted Guidelines for the Imposition of Disciplinary Sanctions. Sanctions for violations regarding advertising are identified in Category 6. The presumed sanction when the licensee has prior board discipline is suspension of a license for up to 90 days and a \$5000 fine for each violation.

7. The Sanctioning Guidelines identify inadvertence resulting in mistakes or omissions as a mitigating factor. The Presiding Officer's and the Board's finding that Respondent's neglect was inexcusable does not mitigate the violation.

8. The Board determines that the advertising violation occurs by placing the advertisements rather than by a person from the public seeing or receiving the advertisement. The advertisements in question were placed in two separate media. The Board concludes that Respondent engaged in two separate violations.

IT IS, THEREFORE, ORDERED that the license of Todd Eck, D.C. is hereby suspended for a period of 90 days, commencing on the first day this order becomes effective.

IT IS FURTHER ORDERED that Todd Eck, D.C. is hereby fined \$10,000, payable within 30 days following the effective date of this order, or at such time and in such manner as he and Board staff might agree.

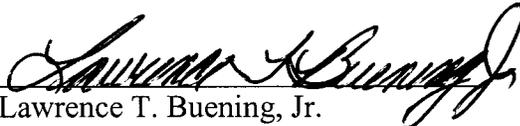
IT IS FURTHER ORDERED that the suspension and fine imposed by this order is stayed during the time in which Respondent may seek reconsideration as allowed by the administrative procedure act. If reconsideration is requested, this stay shall continue until the request for reconsideration is resolved.

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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 12th day of May, 2008.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 12th day of May, 2008, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Todd Eck, D.C.
2925 Pepper Ridge Ct.
Wichita, KS 67205
Respondent

and

Ryan Hodge
Ray Hodge & Associates, L.L.C.
135 North Main
Wichita, KS 67202
Attorney for Respondent

And a copy was hand-delivered to the office of

Dan Riley
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603
Attorney for Petitioner

