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MAR 29 2013

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

KS State Board of Healing Arts
m

In the Matter of)
)
Wiley N Alexander, D.C.)
License No. 01-03917)
_____)

Docket Number: 12-HA00095

JOURNAL ENTRY OF FINAL ORDER AND SATISFACTION

COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through its Executive Director, Kathleen Selzler Lippert (“Executive Director”), a duly authorized representative of the Board in accordance with K.S.A 77-514, to conduct summary proceedings pursuant to K.S.A 77-537, and pursuant to the authority in K.S.A. 65-5401, *et seq.*, and, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, hereby enters the following:

Findings of Fact

1. Wiley N. Alexander, D.C., (“Licensee”), 121 C St. Washington, Kansas, 66968, is licensed to practice as a doctor of chiropractic in the State of Kansas, License No. 01-03917, and has been so licensed since September 4, 1988.
2. On June 7, 2012, the Board issued a Summary Order regarding Licensee’s license to practice as a doctor of chiropractic in the State of Kansas.
3. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing was requested, the Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.
4. No hearing has been requested by any party.
5. The Summary Order contained a provision assessing a civil fine against Licensee

in the amount of \$500.00, due on or before July 15, 2012.

6. The Summary Order ordered Licensee to submit proof of eight (8) hours of continuing education, due within 90 days of the effective date of the Summary Order.

7. The Summary Order provided that Licensee's license shall be suspended for failure to pay the \$500.00 civil fine on or before July 15, 2012.

8. The Summary Order provided that Licensee's license shall be suspended for failure to provide documented evidence of eight (8) continuing education hours within 90 days of the effective date of the Summary Order.

9. On July 11, 2012, Licensee remitted \$500.00 to the Board for satisfaction of the civil fine.

10. On May, 11, 2012, Licensee submitted proof of the required hours of continuing education to the Board for satisfaction of the Summary Order.

IT IS, HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:

11. The Summary Order became effective as a Final Order on June 26, 2012.

12. Licensee has satisfied the provision of the Summary Order requiring payment of the civil fine.

13. Licensee has satisfied the provision of the Summary Order requiring submission of the specified continuing education hours.

14. Licensee has satisfied all requirements of the Summary Order and has no further obligation for compliance.

IT IS SO ORDERED THIS 29th DAY OF March, 2013, IN
THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Kathleen Selzler Lippert by KGS
Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I do hereby certify that on the 29th day of March, 2013, a true and correct copy of the above and foregoing Journal Entry of Final Order and Satisfaction was deposited in the United States mail, first class postage prepaid to the following:

Wiley N Alexander DC
121 C ST
Washington, KS 66968

Courtesy Copy provided:

Office of the General Council
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

The original filed with:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

for 

Cathy Brown
Executive Assistant

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

KS State Board of Healing Arts

In the Matter of)
)
Wiley N Alexander, D.C.)
License No. 01-03917)
_____)

Docket Number: *12-HA00095*

SUMMARY ORDER

NOW ON THIS *7th* day of *June*, 2012, 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. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Wiley N Alexander, D.C. (“Licensee”), 121 C St, Washington, KS 66968, is licensed to practice as a doctor of chiropractic in the State of Kansas, License No. 01-03917, and has been so licensed since September 4, 1988.

2. Pursuant to K.A.R. 100-15-1, Licensee’s license to practice as a doctor of chiropractic in the State of Kansas expires on December 31 of each year. On or about January 4, 2012, Licensee submitted an application for licensure renewal.

3. Pursuant to K.S.A. 65-2809 and K.A.R. 100-15-5, each Licensee desiring to renew a license to practice as a doctor of chiropractic shall certify upon renewal the completion of one of the following: (1) A minimum of 50 hours of continuing education, with a minimum of 20 Category I hours and a maximum of 30 Category II hours, earned July 1, 2010 through

December 31, 2011; (2) a minimum of 100 continuing education hours, with a minimum of 40 Category I hours and a maximum of 60 Category II hours, earned July 1, 2009 through December 31, 2011; or (3) a minimum of 150 hours of continuing education, with a minimum of 60 Category I hours and a maximum of 90 Category II hours, earned July 1, 2008 through December 31, 2011.

4. Pursuant to K.A.R. 100-15-6, each Licensee shall maintain documentation of completion of the continuing education requirements for at least four (4) years following the date of certification, and provide proof of satisfactory completion to the Board upon request.

5. As part of the renewal process, Licensee certified that the rules regarding the continuing education requirements, malpractice liability insurance and the Kansas health Care Stabilization Fund requirements and the Board's procedures for auditing continuing education, malpractice insurance and Kansas Health Care Stabilization Fund compliance had been read. Licensee further certified that the completion of 100 continuing education hours earned July 1, 2009 through December 31, 2011 had been achieved and that documentation of the completed continuing education would be maintained for a four-year period and produced to the Board upon request. Further, Licensee certified that the malpractice liability insurance and Kansas health Care Stabilization Fund documentation would be maintained for a three (3) year period and produced to the Board upon request.

6. Licensee was randomly selected to provide verification of compliance with the continuing education requirements.

7. On or about February 28, 2012, a letter was mailed to Licensee requesting that Licensee provide, no later than March 30, 2012, the records relied upon when Licensee certified completion of 100 continuing education hours.

8. On March 28, 2012, Licensee submitted proof of 96 hours of continuing education. Of those 96 hours 36 hours were category I hours and the remaining 60 hours were in category II hours.

9. On or about March 29, 2012 the Board sent a missing requirement letter to the licensee to inform him the he was short 4 hours of category I hours. Licensee was to submit the remaining 4 hours by April 20, 2012.

10. On or about April 3, 2012, a letter was mailed by certified mail to Licensee requesting that Licensee provide, no later than April 20, 2012, the records relied upon when Licensee certified completion of 100 continuing education hours.

11. The Licensee signed for the certified letter on April 4, 2012.

12. On April 19, 2012 Licensee informed Board staff by telephone that he did not have the required additional 4 hours.

13. Licensee failed to comply with the Board's request to provide documented evidence of compliance with the continuing education requirements by the deadline.

Applicable Law

- a. K.S.A. 77-501 *et seq.*
- b. K.S.A. 65-2801 *et seq.*
- c. K.S.A. 65-2809
- d. K.S.A. 65-2836
- e. K.S.A. 65-2863a
- f. K.S.A. 40-3402
- g. K.S.A. 40-3404
- h. K.A.R. 100-15-1
- i. K.A.R. 100-15-5
- j. K.A.R. 100-15-6

Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #13, the Applicable Law and the Public Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

14. Wiley N Alexander, D.C. ("Licensee"), 121 C St, Washington, KS 66968, is licensed to practice as a doctor of chiropractic in the State of Kansas, License No. 01-03917, and has been so licensed since September 4, 1988.

15. Pursuant to K.A.R. 100-15-1, Licensee's license to practice as a doctor of chiropractic in the State of Kansas expires on December 31 of each year. On or about January 4, 2012, Licensee submitted an application for licensure renewal.

16. Pursuant to K.S.A. 65-2809 and K.A.R. 100-15-5, each licensee desiring to renew a license to practice doctor of chiropractic shall certify upon renewal the completion of one of the following: (1) A minimum of 50 hours of continuing education, with a minimum of 20 Category I hours and a maximum of 30 Category II hours, earned July 1, 2010 through December 1, 2011; (2) a minimum of 100 continuing education hours, with a minimum of 40 Category I hours and a maximum of 60 Category II hours, earned July 1, 2009 through December 1, 2011; or (3) a minimum of 150 hours of continuing education, with a minimum of

60 Category I hours and a maximum of 90 Category II hours, earned July 1, 2008 through December 1, 2011.

17. Pursuant to K.A.R. 100-15-6, each Licensee shall maintain documentation of completion of the continuing education requirements for at least four (4) years following the date of certification, and provide proof of satisfactory completion of the continuing education requirements to the Board upon request.

18. As part of the renewal process, Licensee certified that the rules regarding the continuing education requirements and the Board's procedures for auditing continuing education compliance had been read. Licensee further certified that the completion of the required hours had been achieved and that documentation of the completed continuing education would be maintained for a four-year period and produced to the Board upon request.

19. Licensee was randomly selected to provide verification of compliance with the continuing education requirements.

20. Licensee failed to comply with the Board's request to provide documented evidence of compliance with the continuing education requirements by the deadline.

21. By failing to provide documented evidence of completion of the continuing education requirements, Licensee violated K.S.A. 65-2836(k) by violating any lawful order or rule and regulation of the Board, specifically K.A.R. 100-15-5 and K.A.R. 100-15-6.

22. By failing to provide documented evidence of completion of the continuing education requirements, Licensee violated K.S.A. 65-2836 (k) by violating any lawful order or rule and regulation of the Board, specifically, K.A.R. 100-15-5 and 100-15-6. Further, Licensee violated K.S.A. 65-2836(r) by failing to furnish to the Board, or its investigators or representatives, any information legally requested by the Board.

23. In addition to any other penalty prescribed under the Healing Arts Act, K.S.A. 65-2863a authorizes the Board to assess a civil fine in an amount not exceeding \$5,000 for the first violation of the Healing Arts Act.

IT IS, HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:

24. Licensee is hereby assessed a CIVIL FINE in the amount of \$500.00 for failure to comply with the Board's legal request for information.

25. Licensee is hereby ordered to pay the assessed CIVIL FINE pursuant to K.S.A. 65-2863a in the amount of **\$500.00**. The total amount of **\$500.00** shall be due on or before July 15, 2012.

26. Licensee shall make all payments payable to the Kansas State Board of Healing Arts and send all payments to the attention of: Licensing Audit Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

27. Licensee shall complete 8 hours of continuing education and submit proof of completion to the Board within 90 days following service of this Summary Order.

28. Licensee's license shall be suspended for failure to provide proof of the continuing education requirements and/or payment of the fine within the timeframe specified above.

29. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 7th DAY OF June, 2012, 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
(Pursuant to K.S.A. 77-542)

Licensee is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Licensee desires a hearing, Licensee must file a written request for a hearing to the agency and shall be submitted to:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

This request must be filed within fifteen (15) days from the date of service of this Order. If Licensee requests a hearing, the Kansas State Board of Healing Arts will notify the Licensee of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. In the event Licensee files a petition for judicial review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas State Board of Healing Arts is:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

CERTIFICATE OF SERVICE

I do hereby certify that on the 7th day of June, 2012, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Wiley N Alexander DC
121 C St
Washington, KS 66968

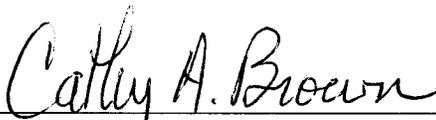
And a courtesy copy was provided:

Office of the General Council
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

And the original was filed with:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
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Cathy Brown
Executive Assistant