

FILED CAB  
JUL 20 2012  
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of )  
 )  
George Casey Baker, D.C. )  
License No. 01-04978 )  
\_\_\_\_\_ )

Docket Number: 12-HA00094

**FINAL ORDER AND JOURNAL ENTRY OF 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 2010 Supp. 77-514 to conduct summary proceedings pursuant to K.S.A 2010 Supp. 77-537, and, pursuant to the authority in K.S.A. 65-2801, *et seq.*, hereby enters the following findings of fact, conclusions of law, and Final Order in the above-captioned matter:

**Findings of Fact**

The Board has been shown the following facts:

1. George Casey Baker, D.C. (“Licensee”), 22450 S Harrison, Ste 101, Spring Hill, KS 66083, is licensed to practice as a doctor of chiropractic medicine in the State of Kansas, License No. 01-04978, and has been so licensed since August 13, 2005.
2. On June 6, 2012, the Executive Director issued a Summary Order regarding Licensee’s license to practice as a doctor of chiropractic medicine 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 provided that Licensee's license shall be suspended for failure to pay the \$500.00 civil fine on or before July 15, 2012.
7. On June 12, 2012, Licensee remitted \$500.00 to the Board for satisfaction of the civil fine.

#### **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 #7, the Applicable Law and the Public Policy Statement set forth above:

**THE BOARD HEREBY CONCLUDES AS FOLLOWS:**

8. On June 6, 2012, the Executive Director issued a Summary Order regarding Licensee's license to practice as a doctor of chiropractic medicine in the State of Kansas.

9. 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.

10. No hearing has been requested by any party.

11. 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.

12. The Summary Order provided that Licensee's 01-04978 shall be suspended for failure to pay the \$500.00 civil fine on or before July 15, 2012.

13. On June 12, 2012, Licensee remitted \$500.00 to the Board for satisfaction of the civil fine.

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

14. The Summary Order became effective as a Final Order on June 21, 2012.

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

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

IT IS SO ORDERED THIS 20<sup>th</sup> DAY OF JULY, 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**

**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 State Board of Healing Arts, at 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas 66612.

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 20<sup>th</sup> day of July, 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:

George Casey Baker DC  
22450 S Harrison, Suite 101  
Spring Hill, KS 66083

A Courtesy Copy was provided to:

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 the office of the Executive Director.

  
Cathy Brown  
Executive Assistant

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

In the Matter of )  
 )  
George Casey Baker, D.C. )  
License No. 01-04978 )  
\_\_\_\_\_ )

Docket Number: *12-HA00094*

**SUMMARY ORDER**

**NOW ON THIS** *6<sup>th</sup>* 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. George Casey Baker, D.C. (“Licensee”), 22450 S Harrison, Ste 101, Spring Hill, KS 66083, is licensed to practice as a doctor of chiropractic in the State of Kansas, License No. 01-04978, and has been so licensed since August 13, 2005.

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 December 2, 2011, 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 50 continuing education hours earned July 1, 2010 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 50 continuing education hours.

8. On February 29, 2012 the licensee contacted the board and stated that they did not have all the required hours. The board requested that the licensee send in what they had.

9. On February 29, 2012 the licensee submitted proof of 36 hours of continuing education. Of those 36 hours 6 hours of category I hours and the remaining 30 hours in category II hours.

10. On or about March 2, 2012 the board sent a missing requirement letter to the licensee to inform him the he was short 14 hours of category I hours. He was to submit the remaining 14 hours by April 20, 2012.

11. 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 50 continuing education hours.

12. Licensee on March 22, 2012 submitted proof of 28 hours category I continuing education, as the double hours that would be required for his being short 14 hours.

13. The Licensee signed for the certified letter on April 5, 2012.

14. Licensee failed to comply with the Board's request to provide the required hours achieved by December 31, 2011.

#### **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 #14, the Applicable Law and the Public Policy Statement set forth above:

#### **THE BOARD HEREBY CONCLUDES AS FOLLOWS:**

15. George Casey Baker, D.C. (“Licensee”), 22450 S Harrison, Ste 101, Spring Hill, KS 66083, is licensed to practice as a doctor of chiropractic in the State of Kansas, License No. 01-04978, and has been so licensed since August 13, 2005.

16. 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.

17. 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.

18. 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.

19. 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.

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

21. Licensee failed to comply with the Board's request to provide the required hours achieved by December 31, 2011.

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 K.A.R. 100-15-6.

23. By failing to provide documented evidence of completion of the continuing education requirements, malpractice liability insurance and / or Kansas Health Care Stabilization Fund compliance, 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.

24. 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:**

25. Licensee is hereby assessed a CIVIL FINE for failure to comply with the Board's legal request for continuing hours achieved by December 31, 2011.

26. 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 Month 15, 2012.

27. 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.

28. Licensee's license shall be suspended for failure of 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** 6<sup>th</sup> **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

**PREPARED BY:**

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Person preparing SO  
Title  
Kansas State Board of Healing Arts

**APPROVED BY:**

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Randy E. Stookey, #21885  
Assistant General Counsel  
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 with:

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 6<sup>th</sup> 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:

George Casey Baker DC  
22450 S Harrison, Ste 101  
Spring Hill, KS 66083

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



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Cathy Brown  
Executive Assistant