

**FILED** *CAB*

APR 10 2006

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

**KS State Board of Healing Arts**

In the Matter of )  
 )  
Joseph David Beaulieu, D.C. )  
Kansas License No. 01-03604 )  
\_\_\_\_\_ )

Docket No. 06-HA-90

**CONSENT ORDER**

COMES NOW the Kansas State Board of Healing Arts ("Petitioner"), by and through Diane L. Bellquist, and J. David Beaulieu, D.C. ("Licensee"), by and through counsel, Allen DeCamp, and move the Board for approval of a Consent Order affecting Licensee's license to practice as a chiropractor in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is 5307 W 104<sup>th</sup> Street, Overland Park, Kansas 66207.
2. Licensee was issued License No. 01-03604 on approximately December 5, 1981. Licensee currently holds a license to engage in the practice of chiropractic care and treatment in the State of Kansas, having last renewed his license on approximately December 1, 2005.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of chiropractic care and treatment.
4. This Consent Order and the filing of such document are in accordance with the applicable law and the Board may enter into an informal settlement of this matter as provided in K.S.A. 65-2838(b), without the necessity of proceeding to a formal hearing.

5. Upon approval, the provisions in this Consent Order shall constitute the findings of the Board, and this Consent Order shall be the Board's Final Order.

6. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

7. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

8. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

9. The terms and conditions of the Consent Order are entered into between the undersigned parties that are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

10. In or about August 2004, Licensee instructed his staff to have all returning patients over the age of 65 years complete a new "face sheet" in their patient chart to show a date of birth less than 65 years of age, for the purpose of avoiding having to file Medicare claims. Licensee acted under the belief that he had to file Medicare claims for his patients that were 65 years of age or older.

11. Licensee told his staff, that if Medicare ever asked, he would claim that he relied on the patient's representation of their age and that he did not know any different.

12. Licensee instructed his secretary that billing statements were not to be provided to the patients so they would not be able to file for Medicare reimbursement on their own.

13. Pursuant to K.S.A. 65-2836, as further defined by 65-2837(b)(17), the Board has grounds to take disciplinary action against Licensee's license, for Licensee's "use of any false, fraudulent or deceptive statement in any document connected with the practice of the healing arts including the intentional falsifying or fraudulent altering of a patient or medical care facility record."

14. In lieu of conducting formal proceedings, Licensee, by his signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary measures regarding his license as a chiropractor:

- (a) Licensee is hereby PUBLICLY CENSURED for the use of a false, fraudulent and deceptive statement in a document connected with the practice of the healing arts and for intentionally falsifying patient charts;
- (b) Licensee is hereby FINED in the amount of five-thousand dollars (\$5,000). Such fine is payable in full to the "Kansas State Board of Healing Arts" on or before November 1, 2006; and
- (c) Licensee shall attend and complete the ProBE ethics course on or before November 19, 2006. Licensee agrees to submit proof of completion to the Board on or before December 1, 2006. The

ProBE ethics course will not be counted towards the continuing education credits required for Licensee to maintain an active Kansas chiropractic license.

15. Licensee's failure to comply with this Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

16. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Healing Arts Act, or to investigate complaints received under the Risk Management law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Healing Arts Act.

17. Licensee hereby releases the Board, its individual members (in their official and personal capacities), attorneys, employees and agents, (hereinafter collectively referred to as "Releasees"), from any and all claims, including but not limited to, those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.*, arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims and demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

18. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National Practitioner Databank, CIN-BAD, and any other reporting entities authorized to receive disclosure of the Consent Order.

19. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

20. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer or settlement.

21. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

22. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

23. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

24. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be sent by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Diane L. Bellquist, 235 S. Topeka Boulevard, Topeka, Kansas 66603-3068.

25. Licensee shall obey all federal, state and local laws and rules governing the chiropractic practice in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

26. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

27. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that:

- (a) Licensee is hereby **PUBLICLY CENSURED** for the use of a false, fraudulent and deceptive statement in a document connected with the practice of the healing arts and for intentionally falsifying patient charts;

- (b) Licensee is hereby FINED in the amount of five-thousand dollars (\$5,000). Such fine is payable in full to the "Kansas State Board of Healing Arts" on or before November 1, 2006; and
- (c) Licensee shall attend and complete the ProBE ethics course on or before September 17, 2006. Licensee agrees to submit proof of completion to the Board on or before September 29, 2006. The ProBE ethics course will not be counted towards the continuing education credits required for Licensee to maintain an active Kansas chiropractic license.

IT IS SO ORDERED on this 10<sup>th</sup> day of April, 2006.

**FOR THE KANSAS STATE BOARD  
OF HEALING ARTS:**

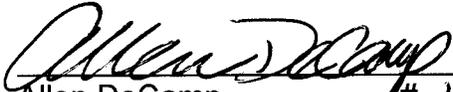
  
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Lawrence T. Buening, Jr.  
Executive Director

April 10, 2006  
\_\_\_\_\_  
Date

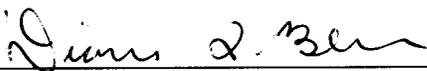
  
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Joseph David Beaulieu, D.C.

4/8/06  
\_\_\_\_\_  
Date

**APPROVED BY:**

  
Allen DeCamp # 16044  
P.O. Box 3393  
Shawnee Mission, Kansas 66203  
(913) 962-7275  
*Attorney for Licensee*

**PREPARED AND APPROVED BY:**

  
Diane L. Bellquist #20969  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065  
(785) 296-7413  
*Attorney for Petitioner*

**CERTIFICATE OF SERVICE**

I, the undersigned individual, hereby certify that I served a true and correct copy of the above Consent Order by United States mail, postage prepaid, on this 11<sup>th</sup> day of April, 2006, to the following:

Allen DeCamp  
P.O. Box 3393  
Shawnee Mission, Kansas 66203

and a copy was hand-delivered to:

Diane L. Bellquist  
Associate Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

And the original was hand-delivered for filing to:

Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

