

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
SEP 09 2019
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In the Matter of)
)
David T. Beckley, D.C.)
Kansas License No. 01-03615)
)

KS State Board of Healing Arts
Docket No.: 19-HA00112

FINAL ORDER DENYING REINSTATEMENT

On August 9, 2019, the Kansas State Board of Healing Arts (Board) held the conference hearing on the reinstatement of the chiropractic license of David T. Beckley, D.C. (Applicant). Matthew Gaus appeared as litigation counsel to present the position of the disciplinary panel of the Board. Licensee appeared in person, *pro se*.

A **PROTECTIVE ORDER** is entered for all information confidential under **CONFIDENTIAL**, K.S.A. 65-2839a(d), K.S.A. 65-4915, K.A.R. **CONFIDENTIAL** and K.S.A. 65-2898a. **CONFIDENTIAL**

Board members Dr. Balderston, Dr. Hutchins, and Mr. Kelly recused themselves from participating in the Board deliberations and decision in this matter, as these members served on the Disciplinary Panel. Courtney Manly, Assistant General Counsel, was also recused.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, the Board enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the arguments of the parties, and being duly advised in the premises, the Board makes the following findings, conclusions and orders.

FINDINGS OF FACT

On August 9, 2018, Applicant submitted an application for reinstatement of his license to practice chiropractic. Such application was deemed complete on June 25, 2019. On July 10, 2019, Litigation counsel for the Board filed a response in opposition for reinstatement of license to practice chiropractic.

CONFIDENTIAL
CONFIDENTIAL on May 14, 2013 Board
litigation counsel filed a Motion for an Order **CONFIDENTIAL** pursuant to **CONFIDENTIAL**
CONFIDENTIAL and **CONFIDENTIAL**. On July 9, 2013, the Office of Administrative Hearing (OAH) conducted a hearing to determine whether reasonable suspicion existed that Applicant was unable to practice the Healing Arts with reasonable skill and safety to patients **CONFIDENTIAL**
, and should be ordered to **CONFIDENTIAL**

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^{AT} CONFIDENTIAL Applicant did not appear. OAH issued a default order instructing Applicant to
CONFIDENTIAL . Applicant did not CONFIDENTIAL , and a
Summary Order indefinitely suspending Applicant for not completing the required order was
issued and became effective as a final order on January 9, 2014.

After Applicant submitted his application for reinstatement, he was notified his application
would remain pending until he successfully CONFIDENTIAL

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APPLICABLE LAW

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CONCLUSIONS

The Board has reviewed the entire agency record and considered comments of the parties at the hearing. The Board bases its conclusions on the agency record and the facts, law, and policy described above and below.

Applicant violated the Kansas Healing Arts Act as follows:

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In further support of these conclusions, the Board notes the following:

- Applicant did not answer questions from the Board or the evaluators in a clear and straightforward manner.
 - This impedes understanding the risks to the public in a manner that might allow an effective condition or limitation on Applicant's license;
 - Consistent with the above, Applicant consistently failed to understand the concerns with his past or present conduct.

- Applicant made a number of concerning inconsistent statements:
 - Applicant indicated during the conference hearing he did not respond to Board communications in 2013 because he had left practice, but Applicant indicated to ~~CONFIDE~~^{INITIAL} he received threatening letters from the Board that he ignored and tossed in the trash. This raises concerns about the veracity of other benign explanations Licensee provided for events occurring between 2013 and this application for reinstatement.
 - Applicant consistently stated his reasons for returning to practice was to join his daughter's practice or start a small clinic, but during the Board meeting he stated he only wants to do Department of Transportation exams. Then, he clarified that restriction would only be "at the present time." This raises concern about whether Applicant would adhere to any restriction or limitation, particularly when Applicant discussed during the conference hearing his belief the Board had concerns he was practicing without a license, which it did not.

- Applicant did not demonstrate he was competent to practice despite the finding and conclusions contained in the reports described above.

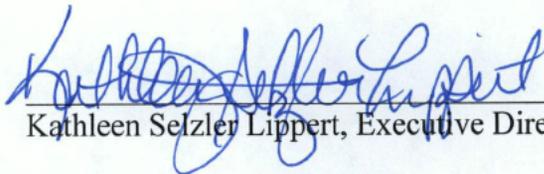
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ORDERS

The application for the reinstatement of the license practice of chiropractic of David T. Beckley, D.C., is **DENIED**.

IT IS SO ORDERED this 9th day of September 2019.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert, Executive Director

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NOTICE OF APPEAL RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Respondent may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was served this 9th day of September 2019 by depositing the same in the United States mail, first-class postage prepaid, and emailed, addressed to:

David T. Beckley, D.C.

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And delivered to:

Matthew Gaus, Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level - Suite A
Topeka, Kansas 66612

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
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.



Susan Gile
Operations Manager