EFFECTIVE AS A FINAL ORDER

DATE: 10/7/2019

FILED
SEP 16 2019
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of **Shane Bisson, D.C.** **Kansas License No. 01-04781**	**Docket No. 20-HA** 000023

SUMMARY ORDER

NOW ON THIS 16 day of Sept. 2019, 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.

Pursuant to K.S.A 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within 15 days of service. 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. Shane Bisson, D.C. ("Licensee") was issued License No. 01-04781 on June 1, 2002, and has been entitled to engage in practice as a Chiropractor in Kansas, having last renewed his license as Active on January 11, 2019.

2. Licensee's last known mailing address to the Board is: CONFIDENTIAL

CON FIDE . Licensee's e-mail address as provided to the Board is CONFIDENTIAL .

3. Licensee's license to practice as a chiropractor in Kansas is currently Active.

4. During all times relevant to the facts set forth in this Summary Order, Licensee held an Active license to practice as a chiropractor in Kansas.

5. On May 15, 2019, the Board requested Licensee to provide proof of compliance with the Kansas Health Care Stabilization Fund ("KHCSF"), as required by K.S.A. 40-3404. The Board included instructions on how to contact KHCSF. Licensee was also requested to provide proof of Continuing Medical Education ("CME") requirements. Licensee was warned failure to provide proof of compliance may result in a fine or suspension of Licensee's license to practice as a Chiropractor in Kansas.

6. On June 13, 2019, Licensee e-mailed the Board a copy of his CME certificates for education year 2019, professional liability form through NCMIC Insurance Company for Policy Period 07/18/2019 to 07/18/2019, as well as an incomplete copy of the KHCSF Notice of Basic Coverage Form for dates 07/18/2018 to 07/18/2019. Upon receipt of this e-mail, a Licensing Analyst responded to Licensee informing him that the KHCSF form that he submitted was incomplete and that he would need to contact the KHCSF directly to provide a certificate.

7. On or about July 16, 2019, the matter was referred to the Board's Litigation Department.

8. On or about July 31, 2019, another search of the KHCSF showed Licensee was still not fund compliant.

9. On or about August 1, 2019, Board staff requested Licensee provide proof of compliance with KHCSF, with instructions on how to submit the proper forms for compliance. The deadline to submit the requested information was August 15, 2019. The August 1, 2019,

correspondence was sent to Licensee's two mailing addresses of record with the Board as well as to his Board listed email address.

10. On or about August 14, 2019, the Board received an e-mail from Mark Stafford of Forbes Law Group stating, "Here is Dr. Bisson's compliance letter." Attached was a certification letter from the KHCSF showing compliance with the fund for the dates of 07/18/2019 to 07/18/2020.

Applicable Law

11. K.S.A. 65-2809(c) of the Kansas Healing Arts Act states in pertinent part:

> The board . . . shall require an active licensee to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402, and amendments thereto, and has paid the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.

12. Under K.S.A. 65-2836(y) a Licensee's license may be revoked, suspended or limited, publicly censured, or placed under probationary conditions where a "licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto".

13. Under K.S.A. 65-2836(z), a Licensee's license may be revoked, suspended or limited, publicly censured, or placed under probationary conditions when the "licensee has failed to pay the premium surcharges as required by K.S.A. 40-3404, and amendments thereto."

14. Under K.S.A. 65-2863(a), "the state board of healing arts . . . may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for violation of the Kansas healing arts act in an amount not to exceed $5,000 for the first violation . . .."

Conclusions of Law

15. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

16. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of law, and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee.

17. The Board finds Licensee violated K.S.A. 65-2836(y), in that Licensee failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.

18. The Board finds Licensee violated K.S.A. 65-2836(z), in that Licensee failed to pay the HCSF premium surcharges as required by K.S.A. 40-3404, and amendments thereto, from approximately July 2016 through July 2019.

IT IS HEREBY ORDERED that Licensee is assessed a **CIVIL FINE** in the amount of $500.00 for violations of the Kansas Healing Arts Act. Such fine shall be paid to the "Kansas State Board of Healing Arts," in full, on or before October 15, 2019. All monetary payments, which shall be in the form of check or money order, relating to this Summary Order shall be mailed to the Board certified and addressed to:

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, Kansas 66612

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 16 **day of** Sept **2019.**

KANSAS STATE BOARD
OF HEALING ARTS

Kathleen Selzler Lippert
Executive Director

FINAL ORDER 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 Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 7th day of Oct, 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Shane Dean Bisson, D.C.
CONFIDENTIAL

Shane Dean Bisson, D.C.
CONFIDENTIAL

Licensee

And a copy was hand-delivered to:

Litigation Counsel
Kansas State 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.

Linda Shaver for
Susan Gile, Operations Manager