

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

OCT 18 2004

In the Matter of)
)
RONALD J. CODY, D.C.)
Kansas License No. 1-03859)
_____)

KANSAS STATE BOARD OF
HEALING ARTS

Docket No. 05-HA-21

CONSENT ORDER

COMES NOW the Kansas State Board of Healing Arts ("Petitioner"), by and through Stacy L. Cook and Diane L. Bellquist, and Ronald J. Cody, D.C. ("Licensee"), *pro se*, and move the Board for approval of a Consent Order affecting Licensee's license to practice chiropractic. The parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is 209 W. Main, Valley Center, Kansas 67147.
2. Licensee was issued License No. 1-03859 on approximately December 4, 1987. Licensee currently holds a license to engage in the practice of chiropractic care and treatment in the State of Kansas.
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. 77-505, 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. Licensee's license expired on or about January 1, 2004.

11. The Board canceled Licensee's license to practice chiropractic on February 1, 2004.

12. Licensee's license was not reinstated until March 31, 2004.

13. Licensee practiced after February 1, 2004 and before March 31, 2004.

14. From about February 1, 2004 to March 31, 2004, Licensee saw approximately 13 patients.

15. Pursuant to K.S.A. 65-2836, the Board has grounds to limit, suspend or revoke Licensee's license.

16. 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 shall be fined in the amount of sixteen-hundred dollars (\$1600.00). Such fine is payable to the "Kansas State Board of Healing Arts" in monthly payments of two-hundred (\$200.00) for eight (8) months, with the initial payment due on or before November 1, 2004, and the remainder of the monthly payments due on or before the first day of each month thereafter.

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

18. 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.

19. 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.

20. 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 requiring disclosure of the Consent Order.

21. 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.

22. 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.

23. 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.

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

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

26. 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.

27. 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.

28. 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.

29. 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

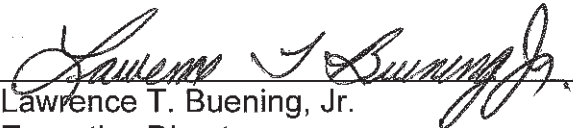
parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that in lieu of the conclusion of formal proceedings, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action with respect to his License to engage in the practice of chiropractic care and treatment:

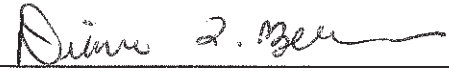
- (a) Licensee shall be fined in the amount of sixteen-hundred dollars (\$1600.00). Such fine is payable to the "Kansas State Board of Healing Arts" in monthly payments of two-hundred (\$200.00) for eight (8) months, with the initial payment due on or before November 1, 2004, and the remainder of the monthly payments due on or before the first day of each month thereafter.

IT IS SO ORDERED on this 18th day of October, 2004

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

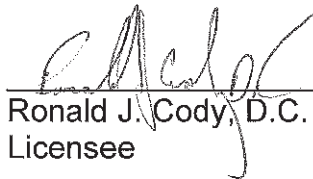

Lawrence T. Buening, Jr.
Executive Director

PREPARED AND APPROVED BY:



Stacy L. Cook #16385
Diane L. Bellquist #20969
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

AGREED TO BY:



Ronald J. Cody, D.C.
Licensee

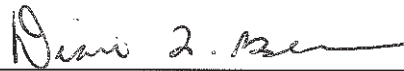
CERTIFICATE OF SERVICE

I, Diane Bellquist, hereby certify that a true and correct copy of the foregoing CONSENT ORDER was served on the 18th day of October, 2004 by United States mail, first-class postage pre-paid and addressed to:

Ronald J. Cody
209 W. Main
Valley Center, KS 67147

And the original was hand-delivered to:

Lawrence T. Buening, Jr.
Executive Director
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Stacy L. Cook #16385
Diane L. Bellquist #20969