

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

In the Matter of)
)
Jeff L. Drake, D.C.) KSBHA Docket No. 20-HA00088
Kansas License No. 01-03720)
)

JOURNAL ENTRY OF SATISFACTION

The Kansas State Board of Healing Arts ("Board"), by its Acting Executive Director, Tucker L. Poling, a duly authorized representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the agency record, the applicable statutes and regulations, and being otherwise duly advised in the premises, makes the following determinations:

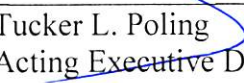
1. On June 15, 2020, a Consent Order was issued by the Board against the license of Jeff L. Drake, D.C. ("Licensee"), imposing requirements therein.
2. Licensee, by letter dated December 10, 2020, requested termination of the Consent Order.
3. Licensee has satisfactorily met all requirements of the Consent Order and has no further obligations for compliance with the Consent Order.

IT IS SO ORDERED.

Dated this 4th day of January 2021.

Journal Entry of Satisfaction
In the Matter of Jeff L. Drake, D.C.
KSBHA Docket No. 20-HA00088

KANSAS STATE BOARD OF HEALING ARTS



Tucker L. Poling
Acting Executive Director

Journal Entry of Satisfaction
In the Matter of Jeff L. Drake, D.C.
KSBHA Docket No. 20-HA00088

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing **Journal Entry of Satisfaction**, by depositing the same in the United States mail, first class postage prepaid and emailed, on this 4th day of January 2021, addressed to:

Jeff L. Drake, D.C.
CONFIDENTIAL

Licensee

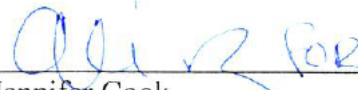
And a copy hand delivered to:

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

Tammy L. Mundil
Deputy Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

and the original was filed with:

Tucker Poling, Acting Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level - Suite A
Topeka, Kansas 66612



Jennifer Cook
Paralegal

Journal Entry of Satisfaction
In the Matter of Jeff L. Drake, D.C.
KSBHA Docket No. 20-HA00088

JUN 15 2020

KS State Board of Healing Arts

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

In the Matter of

JEFF L. DRAKE, D.C.

Kansas License No. 01-03720

)
)
)
)

Docket No. 20-HA 00088

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Tammie L. Mundil, Deputy Litigation Counsel ("Petitioner"), and Jeff L. Drake, D.C. ("Licensee"), *pro se*, and move the Board for approval of a Consent Order affecting Licensee's license to practice chiropractic in Kansas. The Parties stipulate and agree to the following:

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

CONFIDENTIAL

CONFIDENTIAL
AL. Licensee's last known email address to the Board is:

CONFIDENTIAL

2. Licensee is entitled to engage in the practice of chiropractic in Kansas, having been issued original license number 01-03720 on December 8, 1984. Licensee's current license status is Active, having last renewed such license on or about December 16, 2019.

3. The Board has received information and investigated the same, and has reason to believe there are grounds to take action against Licensee under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

4. The facts offered in support of this Consent Order are as follows:

- a. Licensee's website advertised and set forth the phrase "Guaranteed Fast 20 LB Weight Loss".

- b. Further investigation into the Licensee's Facebook page revealed terms such as "no pain" and "without surgery or pain....".
- c. This is Licensee's third known issue to the Board regarding prohibited advertisements. Specifically, each case dealt with the same language of "pain free" or "painless". The previous two investigations resulted in a fine and CONFIDENTIAL, respectively.

5. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts, and specifically the practice of chiropractic. K.S.A. 65-2801 *et seq.*

7. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. 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 and 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. The Board has received information and investigated the same, and has reason to believe there are grounds to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.* Specifically, the Board has evidence to establish the following:

a. Licensee violated K.S.A. 65-2836(b) by committing acts of unprofessional conduct, as defined by K.S.A. 65-2837(b)(1), (7), (8), and (12). Specifically, the Board has evidence to establish the following:

- i. Licensee used false or fraudulent advertisement by guaranteeing results to solicit patients. This is unprofessional conduct as defined by K.S.A. 65-2837(b)(1).
- ii. Licensee advertised the guarantee of a professional service. This is unprofessional conduct as defined by K.S.A. 65-2837(b)(8).
- iii. Licensee's advertisement of a guarantee was likely to deceive the public.

This is unprofessional conduct as defined by K.S.A. 65-2837(b)(12)

b. Licensee violated K.S.A. 65-2836(d) by using fraudulent or false advertisements.

11. Licensee acknowledges that if formal proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, and did not in any way otherwise contest the

allegations and averments made by the Board, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

12. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure, or place under probationary conditions Licensee's license and pursuant to K.S.A. 65-2863a, the Board has the authority to impose administrative fines violations of the Kansas Healing Arts Act.

13. According to K.S.A. 77-505 and K.S.A. 65-2838(b) the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

14. All pending investigation materials in KSBHA Investigation No. 19-00881 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 35 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

15. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to engage in the practice of chiropractic in Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights

set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act K.S.A. 65-2801 *et seq.*

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 capacity), attorneys, employees, and agents (hereinafter collectively referred to as "Releasees") from any and all claims, including but not limited to those for alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, 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 or 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 any 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 of settlement.

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

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

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

24. Licensee shall obey all federal, state and local laws and rules governing the practice of chiropractic in 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.

25. 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. 77-505 and 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.

26. Licensee shall immediately notify the Board or its designees of any citation, arrest or charge filed against him or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

27. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other county, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

28. Licensee shall at all times keep Board staff informed of his current practice locations addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

29. This Consent Order constitutes **public disciplinary action**.

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

31. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of chiropractic in Kansas.

PUBLIC CENSURE

32. Licensee is hereby **Publicly Censured** for violating the Kansas Healing Arts Act.

FINE

33. Licensee is hereby ordered to pay a **FINE** in the amount of **THREE THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS, (\$3,500.00)** for violations of the Kansas Healing Arts Act.

34. Such fine shall be paid in full within sixty (60) calendar days of the execution of this Consent Order, in the form of a Cashier's Check or Money Order paid to the order of "Kansas State Board of Healing Arts."

35. All monetary payments to the Board relating to this Consent Order shall be mailed to the Board by certified mail, addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

EDUCATION: ADVERTISING

36. Licensee shall attend and successfully complete at least eight (8) hours of Board approved continuing education course(s) with an emphasis on proper advertising practices. Licensee shall have six (6) months from the date of execution of this Consent Order to complete the course(s).

37. On or before **August 15, 2020**, Licensee shall submit the proposed course(s) to the Compliance Coordinator. Proposed courses will be reviewed and subject to approval by the Disciplinary Panel's appointed member prior to taking the course(s).

38. On or before **September 15, 2020**, Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the approved course(s) pertaining to proper advertising practices.

39. Licensee shall provide proof of successful completion of the advertising course(s) to the Compliance Coordinator within thirty (30) days of successfully completing the program.

40. All costs associated with the above course(s) shall be at Licensee's own expense, including, but not limited to: the cost of registration for the course(s), the cost of travel to and from the course(s), and the cost of accommodations while attending the course(s).

41. These hours shall be in addition to the continuing education hours required for renewal of licensure.

42. Proof of successful completion of the education requirements shall be submitted by sending the same to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

EDUCATION: RECORD KEEPING

43. Licensee shall attend and successfully complete "Got Documentation" seminar put on by Dr. Gregg Friedman, D.C.. Licensee shall have six (6) months from the date of execution of this Consent Order to complete the course(s). Scheduling of said seminar may be found at:

<https://www.gotdocumentation.com/Seminars.html>

44. Licensee shall provide proof of successful completion of the "Got Documentation" seminar, or a substantially similar program as approved by the Board, to the Compliance Coordinator within thirty (30) days of successfully completing the program.

45. All costs associated with the above course shall be at Licensee's own expense, including, but not limited to, the cost of registration for the course, the cost of travel to and from the course, and the cost of accommodations while attending the course.

46. These hours shall be in addition to the continuing education hours required for renewal of licensure.

47. Proof of successful completion of the education requirements shall be submitted by sending the same to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

EDUCATION: PHYSICAL EXAMINATIONS

48. Licensee shall attend and successfully complete at least eight (8) hours of Board approved continuing education course(s) with an emphasis on proper physical examinations. Licensee shall have six (6) months from the date of execution of this consent order to complete this course(s).

49. On or before **August 15, 2020**, Licensee shall submit the proposed course(s) to the Compliance Coordinator. Proposed courses will be reviewed and subject to approval by the Disciplinary Panel's appointed member prior to taking the course(s).

50. On or before **September 15, 2020**, Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the approved course(s) pertaining to proper advertising practices.

51. Licensee shall provide proof of successful completion of the advertising course(s) to the Compliance Coordinator within thirty (30) days of successfully completing the program.

52. All costs associated with the above course(s) shall be at Licensee's own expense, including, but not limited to: the cost of registration for the course(s), the cost of travel to and from the course(s), and the cost of accommodations while attending the course(s).

53. These hours shall be in addition to the continuing education hours required for renewal of licensure.

54. Proof of successful completion of the education requirements shall be submitted by sending the same to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

TIMEFRAME

55. Licensee must successfully complete all CME's as set forth above and pay the required fine on or before the dates specified before he may request termination of this Consent Order. A Journal Entry of Satisfaction will be filed upon completion of all terms and conditions of this Consent Order.

IT IS FURTHER ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 15th day of June, 2020.


FOR THE KANSAS STATE BOARD OF
HEALING ARTS:



Tucker Poling, Acting Executive Director

6/15/20

Date

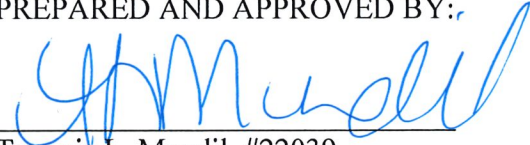


Jeff L. Drake, D.C.
Licensee

6-15-2020

Date

PREPARED AND APPROVED BY:



Tammie L. Mundil, #22039

Deputy Litigation Counsel

Kansas Board of Healing Arts

800 SW Jackson, Lower Level-Suite A

Topeka, Kansas 66612

Phone: 785-368-8212

Fax: 785-368-8210

Tammie.L.Mundil@ks.gov

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 15th day of June, 2020, to the following:

Jeff L. Drake
Licensee

CONFIDENTIAL

And the original was hand-filed with:

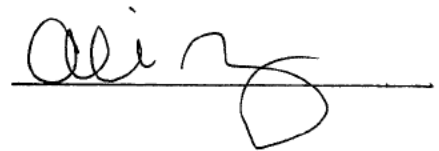
Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was hand-delivered to:

Tammie L. Mundil
Deputy Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

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

A handwritten signature in black ink, appearing to read "Jeff L. Drake", is written over a horizontal line.

Consent Order
Jeff L. Drake, D.C.