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MAY 16 2018

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

KS State Board of Healing Arts

In the Matter of)
TODD H. ECK, D.C.)
)
Kansas License No. 01-03922)
_____)

KSBHA Docket No. 14-HA00124
OAH Docket No. 14-HA0017 BHA

**FINAL ORDER REVOKING LICENSE, DENYING MOTION TO STAY
AND ASSESSING COSTS**

On April 13, 2018, the above-captioned matter came before the Kansas State Board of Healing Arts (“Board”) on the Petition for Review of Initial Order filed by Todd H. Eck, D.C. (“Respondent”) and the Petition for Review of Initial Order filed on behalf of the agency (“Petitioner”). Respondent appears in person, and through counsel, Rebekah A. Phelps-Davis of Phelps-Chartered. The Petitioner agency appears through Jared T. Langford, Associate Litigation Counsel. Board Member Dr. Leinwetter was recused from participation in the proceedings because he served on the Disciplinary Panel. Pursuant to the authority granted to 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 (“KAPA”), K.S.A. 77-501 et seq., specifically K.S.A. 77-527, the Board enters this Final Order.

BACKGROUND AND PROCEDURAL POSTURE

An Amended Petition for discipline was filed by Petitioner on June 1, 2016. It included five counts for disciplinary action against Respondent’s license. Generally stated, these counts allege that Respondent: (1) violated a Consent Order of the Board; (2) misled the Board by failing to indicate his practice address on his 2012 and 2013 renewal applications, which would have notified the Board that he was practicing at his brother’s prior practice location; (3) practiced medicine without a license by ordering his nurse employees to administer pain medicine via injection, and performed at least one injection himself; (4) intentionally billed patients and their insurers for procedures not performed; and (5) failed to maintain patient records for hundreds of patient visits.

A formal hearing was held on August 14-16 and August 22-23, 2017, before an Administrative Law Judge (“ALJ”) employed by the Kansas Office of Administrative Hearings. The ALJ issued an Initial Order on January 26, 2018. Briefly summarized, the ALJ found:

- (1) Licensee violated a lawful order or directive previously entered by the board. The ALJ determined the proper discipline for this Count to be an 89-day suspension.
- (2) Licensee committed fraud or misrepresentation while securing license renewal. The ALJ determined the proper discipline for this Count to be an 89-day suspension and a \$2499 fine.

- (3) The ALJ found that Licensee knowingly submitted altered, misleading, deceptive, untrue or fraudulent medical records in relation to his billing. Further, Licensee demonstrated a pattern of unprofessional conduct regarding his billing practices. The ALJ deemed the mitigating and aggravating factors equal. The ALJ determined the proper discipline to be an 89-day suspension and a \$2499 fine. Regarding the allegation under Count III of the Petition that Licensee practiced medicine without a license, the ALJ disagreed as to the allegation that Dr. Eck practiced medicine without a license. The ALJ found that the APRNs exercised sufficient independent decision making in the injections. The ALJ found that Licensee did not practice medicine without a license by marking the trigger point locations on the patients' bodies.
- (4) Licensee operated a billing system that purposely defrauded the payee's over a period of time exceeding two and half years and involving more than fifty erroneous records. The ALJ determined the proper discipline, in the context of all the circumstances, to be revocation.
- (5) Licensee failed to maintain 438 chiropractic records. The Board sufficiently demonstrated that no fewer than 438 chiropractic records were missing over a 32-month period, that is, on average, a loss or failure to create nearly 14 records a month. The ALJ determined these to be 438 instances of unprofessional conduct and 438 instances of inadequate record keeping. Licensee's lack of remorse was applied as an aggravating factor. The ALJ determined the proper discipline to be revocation.

Ultimately, the ALJ recommended revocation of license, \$7,497 in fines, with costs to be assessed against Licensee.

The ALJ also included an alternative sanctions package that included 325 day suspension, an audit of records, \$7,497 in fines, \$2,350 in "restitution", \$197,100 in "punitives", and costs assessed against Licensee.

On February 8, 2018, Dr. Eck filed a Petition for Review of the ALJ's Initial Order with the Board. The matter was fully briefed by both parties, and the Board held a hearing on review of the Initial Order on April 13, 2018 at which the parties were given an additional opportunity to be heard on the matter.¹ At the conclusion of the hearing, the Board deliberated and then advised the parties that the Board sustained the ultimate rulings of the ALJ as to Counts I, II, IV, and V, and overruled the ultimate finding of the ALJ as to Count III in regard to the practice of medicine without a license. The Board advised the parties that it sustained Count III of the Petition by finding that Dr. Eck practiced medicine without a license. The Board advised the parties that Dr. Eck's license was revoked, and that fines in the amount of \$7,497, in addition to costs, would be assessed against Dr. Eck. The parties were advised that a written order would be issued within 30 days.

¹ In advance of the April 13, 2018 oral arguments, the Board was provided the entire agency record to facilitate a comprehensive understanding of the underlying matter, including the hearing transcript and all exhibits, briefs, and motions filed by the parties in advance of oral arguments. The entire agency record was considered by the Board in rendering its decision. In reviewing the Initial Order, the Board gave due regard to the Presiding Officer's opportunity to observe the witnesses and determine their credibility during the formal hearing.

FINDINGS OF FACT

The Board agrees with the ALJ's reliance on the facts stated in Petitioner's September 27, 2017 Proposed Findings of Fact and Conclusions of law (referenced at paragraph "a" on page 2 of the Initial Order) as thorough and including relevant citations to the record.² Therefore, the Board adopts and incorporates by reference paragraphs 1 through 319 of the Petitioner's proposed findings of fact here.

The Board adopts the ALJ's findings of fact on pages 3 through 14 of the Initial Order by reference here, except as described below.

The Board declines to adopt the following findings of fact on pages 3 through 14 of the Initial Order, finding them to be not unsupported by the agency record, immaterial to the issues framed by the pleadings and/or identified in this Final Order, and/or unnecessarily duplicative:

- Paragraph 12, which includes speculative characterizations not supported by the record as a whole.
- Paragraph 22, which contains a conclusion not supported by the record as a whole. As referenced in the facts and citations incorporated above, the Board presented evidence of functional and clinical intermingling of Wichita Wellness and Eck Chiropractic, although the two may have been separate in terms of corporate formalities and lease documents.
- Paragraph 53, which contains argument regarding an instance of refusal of a nurse to follow the directions of Dr. Eck in regard to pain injections into a patient's joints. The fact that a nurse refused directions on an occasion does change the fact that the direction was given. The record as a whole establishes that these directions were routinely given with the expectation that they would be followed and they were almost uniformly followed. Nurses, under appropriate circumstances, may question or refuse orders given to them regarding medical care to be rendered to a patient that will harm the patient. Such refusal does not change the nature of the direction given.
- Paragraph 56, which is an overly broad and generalized statement of law that is not an appropriate factual finding supported by the record.
- Paragraph 57, except that the Board adopts the following sentence, which is slightly revised (italics) to reflect a statement supported by the record as a whole: "From April, 2012 to sometime in 2015, Dr. Akhil Chhatre, M.D., was *paid to be* a collaborating physician *for* [Dr. Eck's] office."

² In contrast, Respondent's proposed facts are framed as a response to Petitioner's proposed facts and are characterized by argument in opposition to the proposed findings of Petitioner rather than a plain statements of facts with supportive citations to the record. Further, those facts contained in Petitioner's proposed facts that are relevant, non-argumentative, and supported with citations to the record are duplicative of facts adopted above.

- Paragraph 62, except that the Board adopts the following sentence, which is slightly revised (*italics*) to reflect a statement supported by the record as a whole: “From sometime in October, 2014, to sometime in October, 2015, Dr. Catherine Anderson, D.O., was *paid to be* a collaborating physician *for* the Wichita location.”
- Paragraph 67, which misstates the referenced testimony and therefore is not supported by the record as a whole. Dr. Kimball testified that the marking of trigger points in this case constituted the practice of medicine. (E.g., Tr. Vol. 2, p. 406, ll. 15-22).
- Paragraph 68, which is not supported by the record as a whole, as described in the findings of fact incorporated above. For example, the nurses’ testimony included testimony that Dr. Eck’s approval (and not her collaborating physician’s approval) was required if a nurse wished to decline to give a patient the injection treatments requested by Dr. Eck. (Tr. Vol. 1, p. 220, ll. 11-18).
- Paragraph 70, which is conclusory rationale not supported by the record. Providing information on potential treatment options to a patient in order to allow the patient to then discuss treatment options with a physician is not analogous to directing nurses to inject pain medication into a patient’s joint spaces.
- Paragraph 72, which inserts collateral facts not in the record regarding the ALJ’s opinions regarding the purported behaviors of unspecified other patients unrelated to this case. Nothing in the record relates to (or establishes) the habits of diabetics or home care givers. Further, this case is not about acupuncture treatment or drawing blood. Finally, the ALJ, as a layperson, is not qualified to provide medical testimony or expert analysis on these points.
- Paragraph 82, which suggests guilt by mere association and speculates as to the motivations of third parties.

CONCLUSIONS OF LAW AND POLICY

I. Statutory and regulatory standards.

The Board adopts by reference the legal authorities³ contained on pages 14-16 of the Initial Order. Based on the allegations and defenses appropriately raised in the parties’ pleadings, the statutory and regulatory standards most relevant to this case also include the following:

³ To avoid any confusion relating to the semantic labeling of this section as “authorities”, the Board notes that the oft-cited 2008 Guidelines for The Imposition of Disciplinary Sanctions is a general and non-binding informational document that litigants and the Board often use as a reference in framing the sanctions discussion. However, the Board is bound only by Kansas law and due process.

K.S.A. 65-2836:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly censured or placed under probationary conditions . . . upon a finding of the existence of any of the following grounds:

...

(a) The licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency, . . .

...

(f) The licensee has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act, or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment which are relevant to the practice of the healing arts.

(g) The licensee has unlawfully invaded the field of practice of any branch of the healing arts in which the licensee is not licensed to practice.

...

(k) The licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board.

...

(aa) The licensee has knowingly submitted any misleading, deceptive, untrue or fraudulent representation on a claim form, bill or statement.

K.S.A. 65-2837:

(a) "Professional incompetency" means: . . .

...

(3) A pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice the healing arts (b) "Unprofessional conduct" means:

...

(12) Conduct likely to deceive, defraud or harm the public.

...

(17) The 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.

(18) Obtaining any fee by fraud, deceit or misrepresentation.

(19) Directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered, other than through the legal functioning of lawful professional partnerships, corporations, limited liability companies or associations.

(23) Prescribing, dispensing, administering or distributing a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee's professional practice.

(25) Failure to keep written medical records that accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results.

K.A.R. 100-24-1:

(a) Each licensee of the board shall maintain an adequate record for each patient for whom the licensee performs a professional service.

(b) Each patient record shall meet these requirements:

(1) Be legible;

(2) contain only those terms and abbreviations that are or should be comprehensible to similar licensees;

(3) contain adequate identification of the patient;

(4) indicate the dates any professional service was provided;

(5) contain pertinent and significant information concerning the patient's condition;

(6) reflect what examinations, vital signs, and tests were obtained, performed, or ordered and the findings and results of each;

(7) indicate the initial diagnosis and the patient's initial reason for seeking the licensee's services;

(8) indicate the medications prescribed, dispensed, or administered and the quantity and strength of each;

(9) reflect the treatment performed or recommended;

(10) document the patient's progress during the course of treatment provided by the licensee; and

(11) include all patient records received from other health care providers, if those records formed the basis for a treatment decision by the licensee.

(c) Each entry shall be authenticated by the person making the entry unless the entire patient record is maintained in the licensee's own hand-writing.

(d) Each patient record shall include any writing intended to be a final record, but shall not require the maintenance of rough drafts, notes, other writings, or recordings once this information is converted to final form. The final form shall accurately reflect the care and services rendered to the patient.

(e) For purposes of implementing the healing arts act and this regulation, an electronic patient record shall be deemed a written patient record if the electronic record cannot be altered and if each entry in the electronic record is authenticated by the licensee.

K.S.A. 65-2869

For the purpose of this act the following persons shall be deemed to be engaged in the practice of medicine and surgery:

...

(b) Persons who prescribe, recommend or furnish medicine or drugs, or perform any surgical operation of whatever nature by the use of any surgical instrument, procedure, equipment or mechanical device for the diagnosis, cure or relief of any wounds, fractures, bodily injury, infirmity, disease, physical or mental illness or psychological disorder, of human beings.

...

K.S.A 77-527 states, in most relevant part:

(d) Subject to K.S.A. 77-621, and amendments thereto, in reviewing an initial order, the agency head or designee shall exercise all the decision-making power that the agency head or designee would have had to render a final order had the agency head or designee presided over the hearing, except to the extent that the issues subject to review are limited by a provision of law or by the agency head or designee upon notice to all parties. In reviewing findings of fact in initial orders by presiding officers, the agency head shall give due regard to the presiding officer's opportunity to observe the witnesses and to determine the credibility of witnesses. The agency head shall consider the agency record or such portions of it as have been designated by the parties.

K.S.A. 77-526(d) states, in most relevant part:

Findings of fact shall be based exclusively upon the evidence of record in the adjudicative proceeding and on matters officially noticed in that proceeding.

II. Case law.

In addition to those cases contained on pages 15-16 of the Initial Order, the case law most relevant to this case also includes the following:

“Where substantial evidence is presented that supports a finding of a violation of the [Kansas Healing Arts Act], Board members are entitled and expected to rely on their own expertise and experience in making these decisions.” *Hart v. Bd. of Healing Arts of State*, 27 Kan. App. 2d 213 (2000).

The Kansas State Board of Healing Arts “is the agency peculiarly qualified to predicate judgment on a scientific basis, and that judgment ought not be readily interfered with.” *Kansas State Bd. of Healing Arts v. Foote*, 200 Kan. 447, 459 (1968).

The party seeking a stay bears the burden of proof to establish that the stay is necessary. *State ex rel. Stovall v. Meneley*, 271 Kan. 355, 368, 22 P.3d 124 (2001).

III. Conclusions.

The Board has reviewed the entire agency record and considered the briefs, oral arguments, and comments of the parties at the April 13, 2018 hearing. The Board gave due regard to the Presiding Officer’s opportunity to observe the witnesses and determine their credibility during the formal hearing. The Board bases its conclusions, including all differences between this Final Order and the Initial Order identified by a comparison of the orders, on the facts, law, and policy described above and below in conjunction with the Board’s own experience and expertise.

The Board denies the request to stay effectiveness of Board’s order

At oral arguments on this matter, Respondent requested a stay of effectiveness of any adverse Board decision. The same was considered and denied orally at the hearing. The party seeking the stay bears the burden of proof to establish that the stay is necessary. *State ex rel. Stovall v. Meneley*, 271 Kan. 355, 368, 22 P.3d 124 (2001). The Board has discretion to take action on a petition for stay, either before or after the effective date of the initial or final order. K.S.A. 77-528. The Board determines Respondent failed to demonstrate a stay in this matter is necessary in light of the gravity of this case. Respondent’s request for a stay of effectiveness of this Final Order is therefore denied.

Credibility determinations

The Board adopts the credibility determinations of the ALJ in regard to Dr. Eck. “[T]he agency head shall give due regard to the presiding officer's opportunity to observe the witnesses and to determine the credibility of witnesses.” K.S.A. 77-527(d). Here, the ALJ’s credibility determinations, as described in the Initial Order, were based on his evaluation of Dr. Eck’s testimony and arguments at the hearing in the context of the factual record. Therefore, the Board gives deference to those determinations. Further, in addition the negative credibility findings of the ALJ, the Board finds Dr. Eck’s testimony at the April 13, 2018 hearing to reflect poorly on his credibility. This is based on the Board’s opportunity to observe his testimony and demeanor, his lack of recollection, and his apparent evasiveness in regard to questions about the nature of his practice.

COUNT I: Dr. Eck violated K.S.A. 65-2836(k) by violating the Consent Order

The Board adopts and incorporates by reference paragraphs 1-9 on pages 17-18 of the Initial Order here, except as described below.

The Board does not adopt the second sentence of paragraph 1 on page 17. The semantic characterization of an act as a “chiropractic act” does not control the question. As thoroughly described in the findings of fact, Dr. Eck violated the terms of the consent order. This included, but was not limited to, practicing with Bradley Eck and consulting on chiropractic patient matters with him.

COUNT II: Dr. Eck violated K.S.A. 65-2836(a) by committing fraud or misrepresentation in securing his license renewal

The Board adopts and incorporates by reference paragraphs 1-13 on pages 18 of the Initial Order here, except as described below.

The Board does not adopt paragraphs 2, 3, or 12 on page 18. Contrary to the ALJ’s assertion, the facts alleged in Count II establish a prima facie violation of K.S.A. 65-2836(a) by establishing that Dr. Eck knowingly omitted the practice location at which he was practicing with Bradley Eck. K.S.A. 65-2836(a) does not require a separate rule or regulation mandating that licensees must provide honest and accurate information in applications submitted to the Board. The statute bars “fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.” *Id.* The facts incorporated above, in conjunction with Dr. Eck’s lack of credibility, demonstrate that Dr. Eck intentionally omitted the practice location to avoid Board scrutiny of his practice activities with Bradley Eck.

COUNT III: Dr. Eck violated K.S.A. 65-2836(b), (f), and (g); and K.S.A. 65-2837(a)(3), (b)(12), (b)(17), (b)(18), (b)(19), and (b)(23) by inappropriately altering records, invading the practice of medicine, and otherwise repeatedly violating the Act

The Board adopts and incorporates by reference paragraphs 1-13 on pages 19-20 of the Initial Order here, except as described below.

The Board does not adopt paragraph 2 on page 19. There is no evidence in the record establishing what, if any, advice of counsel Dr. Eck received related to his wrongful activities described in Count III.

In addition to the conclusions of the Initial Order in relation to Count III incorporated above, the Board finds that Dr. Eck violated K.S.A. 65-2836(g) by unlawfully invading the field of the practice of medicine. The Healing Arts Act states, in most relevant part:

For the purpose of this act the following persons shall be deemed to be engaged in the practice of medicine and surgery:

...

(b) Persons who prescribe, recommend or furnish medicine or drugs, or perform any surgical operation of whatever nature by the use of any surgical instrument, procedure, equipment or mechanical device for the diagnosis, cure or relief of any wounds, fractures, bodily injury, infirmity, disease, physical or mental illness or psychological disorder, of human beings.

K.S.A. 65-2869. Based on the facts incorporated above, the Board finds that Dr. Eck's activities in directing nurses to inject medications into the joint spaces of patients, including precise direction as to the location, method, and content of those injections, met the definition of "engag[ing] in the practice of medicine and surgery."

This conclusion is bolstered by the fact that the nurses reported little to no contact with their designated "collaborating" physician – the only individual who had authority to authorize them to prescribe and administer drugs. For example, during Dr. Chhatri's time as the collaborating physician over the nurses (most of which while he lived more than 1200 miles away) he had a total of four conversations with a nurse, none of which related directly to patient care. During Dr. Anderson's time as the collaborating physician, he had only one conversation with a nurse, which, again, was not related to specific patients or their care.

In contrast, the testimony established that these nurses received regular and precise direction from Dr. Eck. For example, Nurse Weber testified that she turned to Dr. Eck to "collaborate" when she or the patients had questions because her collaborating physician was never at the office. Nurse Bolen testified that Dr. Eck was the only doctor on hand when patient care issues arose.

The Healing Art Act seeks to regulate the substance of licensees' practice activities rather than their theoretical form. Although Dr. Eck rests his defense on his assertion that he never (according to his theory of the case) explicitly ordered the nurses to inject patients with drugs, the record as a whole reveals that, in substance and actual function, he was routinely directing the treatment.

COUNT IV: Dr. Eck violated K.S.A. 65-2836(b), (f), and (aa); and K.S.A. 65-2837(b)(17) and (18) by billing for procedures not performed

The Board adopts and incorporates by reference paragraphs 1-20 on pages 20-22 of the Initial Order here, except as described below.

The Board does not adopt paragraph 21 on page 22 or the footnote thereto. The Board finds this paragraph to be immaterial, based on the findings and conclusions adopted above.

COUNT V: Dr. Eck violated K.S.A. 65-2836(b), (f), and (k); and K.S.A. 65-2837(b)(25)

The Board adopts and incorporates by reference paragraphs 1-16 on pages 22-23 of the Initial Order here, except as described below.

The Board does not adopt paragraph 3 on page 22, paragraph 16 on page 23, or the footnote thereto. The Board finds these paragraphs to be immaterial, based on the findings and conclusions adopted above and below.

Further, the Board finds that an additional sanctioning guideline category that justifies the sanction of revocation under this Count is category 2A (“Misconduct – Potentially harmful to patient or other providers, or actually misleads board or is disruptive to board processes”). In addition to the findings and conclusions described by the ALJ, the revocation column of this row of the grid is appropriate based on the number and scope of violations, Dr. Eck’s lack of acceptance of responsibility, lack of remorse, and his unconvincing explanations without supporting evidence.

Sanctions

In addition to the sanctioning conclusions adopted above, the Board adopts and incorporates the following ultimate sanctions conclusions of the Initial Order: Revocation of license and \$7,497 in fines.

The Board does not adopt the alternative sanctions described on page 24 of the Initial Order or the referenced footnotes. There is no basis in the Healing Arts Act for the assessment of punitive damages in the context of licensing actions. The other alternative sanctions are immaterial, based on the findings and conclusions adopted above.

Costs

This Final Order is adverse to Dr. Eck. Therefore, it is appropriate to assess costs against him pursuant to K.S.A. 65-2846. After evaluating the Petitioner’s Statement of Costs and considering the conclusions described in this order, the costs of the proceedings are assessed against Dr. Eck in the amount of \$39,749.34. These costs shall be paid in full within 30 days of the filing of this Final Order, or, in the alternative, Dr. Eck may submit a proposed payment schedule for Board’s consideration and approval.

ORDERS

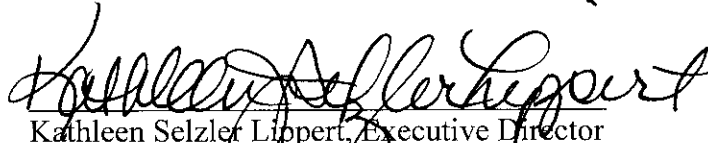
IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that the license of Respondent, Todd H. Eck, D.C., license No. 01-03922, to practice chiropractic in Kansas is REVOKED.

IT IS FURTHER ORDERED that Licensee’s Motion for Stay is DENIED.

IT IS FURTHER ORDERED that Respondent is hereby ordered to pay **COSTS** in the amount of \$39,749.34. These costs shall be paid in full within 30 days of the filing of this Final Order, or, in the alternative, may submit a proposed payment schedule for Board's consideration and approval. Payment shall be submitted to the attention of: Compliance Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson Street, Lower Level, Suite A, Topeka, Kansas 66612.

IT IS SO ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS ON THIS 16 DAY OF MAY, 2018.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

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, Licensee 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, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER REVOKING LICENSE, DENYING MOTION TO STAY AND ASSESSING COSTS** was served this 16th day of May, 2018, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Todd H. Eck, DC
4510 W. Central Ave., Ste. B
Wichita, KS 67212

Rebekah A. Phelps-Davis
Phelps-Chartered
1414 S. Topeka Blvd.
P.O. Box 1886
Topeka, KS 66601-1886
Attorney for Licensee

And a copy was delivered to:

Jared T. Langford, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
Attorney for Petitioner

And the original was filed with the office of the Executive Director.

Beth Visocsky *BY DA*
Beth Visocsky, Operations Manager