

EFFECTIVE AS A FINAL ORDER

DATE: 1/22/2020

FILED
EC 3 1 2019 AD

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

KS State Board of Healing Arts

In the matter of)
)
Michael, A. Green, D.C.)
Kansas License No. 01-05401)

Docket No. 20-HA 00041

SUMMARY ORDER

NOW ON THIS 3/27 day of December, 2019, this matter comes before Jucker
L. Poling, Interim Executive Director, of the Kansas State Board of Healing Arts ("Board"), in
summary proceedings under K.S.A. 77-537.

Pursuant to K.S.A. 77-537 and K.S.A. 77-524, the Summary Order shall become effective
as a Final Order, without further notice, if no written request for a hearing is made within fifteen
(15) days of service of this Summary Order. Upon review of the agency record and being duly
advised in the premises, the following findings of fact, conclusions of law, and orders are made
for and on behalf of the Board:

FINDINGS OF FACT

1. Michael A. Green, D.C.'s ("Licensee") last known mailing address to the Board is:

CONFIDENTIAL
2. Licensee was originally issued license number 01-05401 to practice as a chiropractor in
Kansas on May 4, 2011, having last renewed such license on January 13, 2019.
3. Licensee's license to practice chiropractic in Kansas is currently Active.

Summary Order
In the Matter of Michael A. Green, D.C.

4. On Licensee's January 13, 2019, renewal application, he certified he had completed at least 100 hours of continuing medical education, with a minimum of 40 Category I hours, and a maximum of 60 Category II hours from July 1, 2016, through December 31, 2018.

5. Licensee was selected for an audit of his continuing medical education hours and insurance.

6. On May 15, 2019, Board licensing staff sent Licensee an audit letter that in part, requested proof of his continuing medical education hours showing at least 100 hours of continuing medical education, with a minimum of 40 Category I hours, and a maximum of 60 Category II hours from July 1, 2016, through December 31, 2018. This letter required the proof to be submitted by June 15, 2019, and failure to do so "may result in a fine or other disciplinary action, including suspension."

7. On June 14, 2019, Board licensing staff send Licensee a second audit letter that in part, requested proof of his continuing medical education hours showing at least 100 hours of continuing medical education, with a minimum of 40 Category I hours, and a maximum of 60 Category II hours from July 1, 2016, through December 31, 2018. This letter extended the deadline, requiring the proof to be submitted by June 28, 2019, and failure to do so "may result in a fine or other disciplinary action, including suspension."

8. As proof of his continuing medical education hours of at least 100 hours of continuing medical education, with a minimum of 40 Category I hours, and a maximum of 60 Category II hours from July 1, 2016, through December 31, 2018, Licensee submitted to the Board the following:

a. Certificates:

Summary Order

In the Matter of Michael A. Green, D.C.

- i. Certification of Licensee as an Emergency Medical Technician, by the National Registry Emergency Medical Technicians. Received August 14, 2017.
 - ii. Certification of Course Completion for Emergency Medical Technician by the Central Jackson County Fire Protection District. Received July 18, 2017.
 - iii. Certification of Licensee as "Firefighter I" from the Missouri Department of Public Health and Safety - Missouri Division of Fire Safety. Received January 5, 2017.
 - iv. Certification of Licensee as "Firefighter II" from the Missouri Department of Public Health and Safety - Missouri Division of Fire Safety. Received January 5, 2017.
 - v. Certification of Licensee as "Hazardous Materials Awareness Level" from the Missouri Department of Public Health and Safety - Missouri Division of Fire Safety. Received December 12, 2016.
 - vi. Certification of Licensee as "Hazardous Materials Operations Level" from the Missouri Department of Public Health and Safety - Missouri Division of Fire Safety. Received December 12, 2016.
 - vii. Certification on September 12, 2018, from the Central Jackson County Fire Protection District, that Licensee had completed the 1st Quarter of the Paramedic Program, for a total of 12 credit hours.
 - viii. Certification on December 17, 2018, from the Central Jackson County Fire Protection District, that Licensee had completed the 2nd Quarter of the Paramedic Program, for a total of 12 credit hours.
- b. A table self-indicating, he had completed the following:
- i. SALT Triage (1 credit). Completed on December 5, 2018.
 - ii. Infection Control (1 credit). Completed on December 5, 2018.
 - iii. Intellectual Disability (1 credit). Completed on August 19, 2018.
 - iv. Street Drug Trends (1 credit). Completed on August 19, 2018.
 - v. Work and Environment Safety (1 credit). Completed on July 16, 2018.
 - vi. Abdominal Pain (1 credit). Completed on June 26, 2018.
 - vii. Heat Illness (1 credit). Completed on June 17, 2018.
 - viii. Medical Skills and Simulation (3 credits). Completed on May 23, 2018.
 - ix. Hostile Events (3 credits). Completed on May 23, 2018.
 - x. Stroke (1.25 credits). Completed on May 16, 2018.
 - xi. ET Intubation Certificate (1 credit). Completed on March 30, 2018.
 - xii. Patient Behavioral Incidents (1 credit). Completed on March 30, 2018.
 - xiii. American Heart Association - Advance Cardiac Life Support (6 credits). Completed on June 19, 2018.
 - xiv. Pre-hospital Trauma Life Support (6 credits). Completed on October 20, 2018.

Summary Order

In the Matter of Michael A. Green, D.C.

xv. AHA - Basic Life Support (2 credits). Completed on January 22, 2017.

9. On June 17, 2019, Board licensing staff sent Licensee an email stating, "The certificates you have attached are for firefighting which cannot be used for your required Chiropractic CE's." Board licensing staff also attached the pertinent statues and regulations for his reference.

10. On June 25, 2019, Licensee responded, via email, stating:

Yes I believe a couple of them are related to firefighting however the rest pertain to emergency medicine and patient assessment and treatment, all of which a[re] relevant to patient care and directly affects ones's[sic] ability to perform patient care. Also aren't the legal and ethical standards for patient care the same for emergency medicine as the[y] are for chiropractic, osteopathic and medical care?

11. No additional proof of continuing medical education hours was submitted by the Licensee.

APPLICABLE LAW

12. K.A.R. 100-15-5(a)(1)(B) requires "[e]ach person who is licensed to practice a branch of the healing arts and who is required to submit proof of completion of continuing education as a condition to renewing a license shall certify ...[d]uring the 30-month period immediately preceding the license expiration date, the person completed at least 100 credits of continuing education, of which at least 40 credits shall be in category I and the remaining credits in category II."

13. K.A.R. 100-15-4(a)(1)-(3) defines continuing education as, "an activity designed to maintain, develop, or increase the knowledge, skills, and professional performance of persons licensed to practice a branch of the healing arts. **Each continuing education activity shall have significant intellectual or practical content, shall be relevant to the branch of the healing arts for which the practitioner is licensed, and shall meet at least one of the following content requirements: (1) Have a direct bearing on patient care; (2) have a direct bearing**

Summary Order

In the Matter of Michael A. Green, D.C.

on the person's ability to deliver patient care; or (3) relate to the teaching, ethical, legal, or social responsibilities of a person licensed to practice the healing arts." (emphasis added).

14. K.A.R. 100-15-4(b) provides Category I continuing education means a continuing education activity that meets the requirements of subsection (a)... and is presented by a person qualified by practical or academic experience, using any of the following methods:

- (1) Lecture... a discourse given before an audience for instruction;
- (2) Panel discussion... the presentation of a number of views by several professional individuals on a given subject, with none of the views considered a final solution;
- (3) Workshop... a series of meetings designed for intensive study, work, or discussion in a specific field of interest;
- (4) Seminar... a directed advanced study or discussion in a specific field of interest;
- (5) Symposium... a conference of more than a single session organized for the purpose of discussing a specific subject from various viewpoints and by various speakers; or
- (6) Any other structured, interactive, and formal learning method that the board deems to meet the requirements of subsection (a).

15. K.A.R. 100-15-4(c) provides Category II continuing education means "attendance at a lecture, panel discussion, workshop, seminar, symposium, college course, professional publication, in-service training, or professional activity that the board determines does not meet the requirements of category I, but that is in a health-related field indirectly related to healing arts skill and knowledge. Category II continuing education shall include the following:

- (1) Clinical consultations with other healing arts practitioners that contribute to a practitioner's education;
- (2) participation in activities to review the quality of patient care;
- (3) instructing healing arts and other health care practitioners;
- (4) patient-centered discussions with other health care practitioners;
- (5) participating in journal clubs;
- (6) using searchable electronic databases in connection with patient care activities; and
- (7) using self-instructional materials."

Summary Order

In the Matter of Michael A. Green, D.C.

16. Additionally, K.A.R. 100-15-6(a) requires each person certifying completion of continuing medical education shall for at least four years following the date of certification, maintain documentation of completion that includes either of the following:

- (1) Verification of completion issued by a national, state, or local organization with standards for continuing education that are at least as stringent as that of the board; or
- (2) Copy of the written materials provided with a Category I continuing education activity, along with documentation of all of the following:
 - (A) Name, address, telephone number of the activity sponsor...;
 - (B) Title of the continuing education activity;
 - (C) Date and location of the activity;
 - (D) Specification of whether the activity was presented in person, by video, satellite, or internet;
 - (E) Number of continuing medical education hours completed;
 - (F) Activity agenda;
 - (G) Identification and professional biographical information of the presenters;
 - (H) Written proof of participation; and
 - (I) A list of category II continuing education activities, identifying the date of each activity, a description or program title, and the number of hours claimed.

CONCLUSIONS OF LAW

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

18. Licensee is licensed to practice a branch of the healing arts, specifically the practice of chiropractic. K.S.A. 65-2801 *et seq.*

19. Licensee was required to complete at least 100 credits of continuing education, during the 30-month period of which he certified to, and of which at least 40 hours had to be Category I. K.A.R. 100-15-5(a)(1)(B).

20. The Board finds that none of the certificates Licensee submitted for audit will count towards Category I or Category II continuing medical education hours, as they do not meet the

Summary Order

In the Matter of Michael A. Green, D.C.

technical requirements of K.A.R. 100-15-4, by including but not limited to, not being relevant to the practice of chiropractic.

21. The Board finds that Licensee's table of self-indicated courses he has completed meets the requirements for Category II hours under K.A.R. 100-15-4(c) and K.A.R. 100-15-6(a)(2)(I), for a total of 34.5 Category II continuing medical education hours.

22. The Board finds Licensee violated K.A.R. 100-15-5(a)(1)(B), in that he did not have least 100 hours of continuing medical education, with a minimum of 40 Category I hours during the 30-month period in which he certified he had. Licensee had 0 Category I hours, and 34.5 Category II hours.

IT IS HEREBY ORDERED that Licensee complete 80 Category I hours and 51 Category II hours meeting the technical requirements of the Healing Arts Act, within 90 days of the Summary Order becoming a Final Order. These hours shall be at Licensee's own expense and are in addition to those continuing medical education hours required for renewal.

IT IS FURTHER 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 January 31, 2020. All monetary payments, which shall be made 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

Summary Order

In the Matter of Michael A. Green, D.C.

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 31st day of December, 2019.

KANSAS STATE BOARD OF HEALING ARTS

Tucker L. Poling
Interim 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 Tucker L. Poling, Interim 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 22nd day of January 2020 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Michael A. Green, DC
CONFIDENTIAL

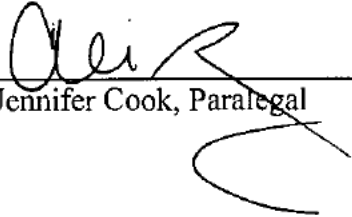
Licensee

And a copy was hand-delivered to:

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.



Jennifer Cook, Paralegal