

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

JUN 30 2015

In the Matter of)
WESLEY HARDEN, D.C.)
)
Kansas License No. 01-04589)
_____)

KS State Board of Healing Arts

KSBHA Docket No. 14-HA00134

**FINAL ORDER DENYING
MODIFICATION OF CONSENT ORDER**

NOW on this 12th day of June, 2015, comes before the Kansas State Board of Healing Arts (“Board”) the Motion for Modification of Monitoring Requirements filed by Wesley Harden, D.C. (“Licensee”). Licensee appears in person, and *pro se*. Jane Weiler, Associate Litigation Counsel, appears on behalf of the Board.

Pursuant to the authority granted to Board by K.S.A. 65-2801 *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving exhibits into evidence, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is licensed to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-04589 on approximately February 13, 1999.
2. On or about April 29, 2014, Licensee entered into a Consent Order with the Board to resolve concerns regarding documentation deficiencies in Licensee’s patient records.
3. The Consent Order required Licensee to attend and successfully complete the in-person Medical Record Keeping Seminar offered by the Center for Personalized Education (“CPEP”).

4. The Consent Order also required the Licensee to enter into and comply with all terms and conditions of a monitoring contract with Affiliated Monitoring Inc. (“AMI”). The required AMI monitoring included, in part: monthly visits for the term of the Consent Order; a review of patient charts and billing with a minimum of ten (10) random patient charts for each monitoring visit; monitoring reports to the Board due quarterly; responsibility for all costs and expenses associated with the AMI monitoring requirements; and permission to request modification or termination of monitoring provisions after one (1) year.

5. Licensee successfully completed the CPEP Medical Record Keeping Seminar on June 6, 2014.

6. On June 11, 2014, Licensee entered into a monitoring contract with AMI.

7. A quarterly monitoring report was submitted to the Board on October 8, 2014, with no compliance issues identified.

8. AMI would not submit monitoring reports regarding Licensee’s compliance for the monthly visits from October 21, 2014 and November 18, 2014, due to Licensee’s failure to remit payment for the monitoring fees he owed to AMI.

9. On December 24, 2014, Licensee notified the Board that he planned to cease actively practicing chiropractic in the State of Kansas as of December 31, 2014, and would notify the Board when he planned to resume active practice.

10. Licensee notified the Board on April 17, 2015, that his monitoring fees were no longer in arrears and requested that he be permitted to travel to his AMI monitor’s location to reduce his monthly monitoring costs. This request was granted.

11. On April 22, 2015, AMI submitted its second quarterly report and did not identify any compliance issues.

12. On April 21, 2015, Licensee submitted to the Board a request to modify the required AMI monitoring provisions. Licensee requested the required site visits be reduced from monthly visits to quarterly visits for the remaining six (6) months of the required monitoring timeframe. In support of his request, Licensee points to the satisfactory monitoring reports received thus far and his desire to further reduce the financial burden of the monitoring costs.

13. On May 13, 2015, Board counsel filed a Response to Petition to Modify Consent Order detailing his compliance history.

14. While the Board is encouraged by the progress indicated in Licensee's documentation thus far, the Board concludes that the Consent Order's requirement for monthly monitoring visits was intended to provide a specific volume of charts reviewed over time in order to obtain a complete picture of Licensee's patient record documentation. The Board further concludes that quarterly monitoring would not cover a sufficient amount of patient records to indicate consistent improvement or lack thereof in Licensee's patient record documentation.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's Motion to modify the Consent Order is hereby **DENIED**.

IT IS SO ORDERED THIS 30 DAY OF JUNE, 2015, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Confidential

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

NOTICE OF 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 DENYING MODIFICATION OF CONSENT ORDER** was served this 30th day of June, 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

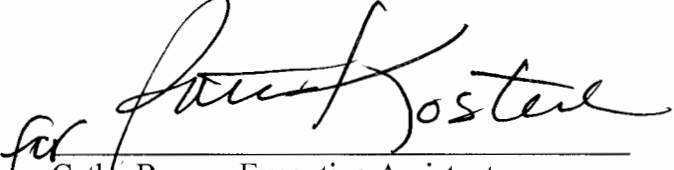
Wesley Harden, DC
PO Box 131
Kingman, KS 67068

And a copy was delivered to:

Jane Weiler, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
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.


Cathy Brown, Executive Assistant