

**EFFECTIVE AS A
FINAL ORDER**

DATE: 11/12/14

FILED
OCT 22 2014

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

KS State Board of Healing Arts

In the Matter of)
)
KENRI HONDA, D.C.)
Kansas License No. 01-04922)
_____)

KSBHA Docket No. 15-HA 00036

SUMMARY ORDER

NOW ON THIS 21 day of Oct., 2014, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Kenri Honda, D.C. ("Licensee") was originally issued license number 01-04922 to practice chiropractic in the state of Kansas on or about October 16, 2004. Licensee's license designation at the time of the events below as well as his current license designation is exempt. Such license was last renewed on or about January 1, 2014.

2. Licensee's last known mailing address to the Board is: 9233 Ward Parkway, Suite 333, Kansas City, Missouri 64114.

3. On or about October 5, 2013, Licensee participated as a vendor at the 2013 Greater Kansas City Japanese Festival ("2013 Japanese Festival") held at Johnson County Community

College located in Kansas and paying a vendor participation fee in the amount of Two Hundred Fifty Dollars and Zero Cents (\$250.00).

4. The 2013 Japanese Festival materials referred to Licensee as “Dr. Kenri Honda” and failed to designate Licensee with the proper words or letters that identify the branch of healing arts in which he holds a license.

5. While participating as a vendor, Licensee provided acupressure and chiropractic manipulations to attendees for \$15.00. Licensee treated approximately thirty (30) patients.

6. Licensee failed to document the treatment provided to the patients at the 2013 Japanese Festival or maintain health records of the participants.

7. Licensee also used the opportunity as a vendor at the 2013 Japanese Festival to promote his business and solicit new patients by handing out various advertising materials, such as magnets, flashlights and pamphlets containing his practice information on them.

8. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board’s Disciplinary Panel #29. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions contained herein.

Applicable Law

9. K.S.A. 65-2809(f) of the Kansas Healing Arts Act states in pertinent part:

“The board is authorized to issue an exempt license to a person who is not regularly engaged in the practice of the healing arts in Kansas and who does not hold oneself out to the public as being professionally engaged in such practice.”

“Nothing in this subsection (f) shall be construed to prohibit a person holding an exempt license from serving as a coroner or as a paid employee of (1) a local health department as defined by K.S.A. 65-241 and amendments thereto, or (2) an indigent health care clinic as defined by K.S.A. 75-6102 and amendments thereto.”

10. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

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

- (b) Licensee committed an act of unprofessional and/or dishonorable conduct and/or professional incompetency.
- (k) Licensee has violated any lawful rule and regulation promulgated by the Board.

11. K.S.A. 65-2837(b) of the Kansas Healing Arts Act states in pertinent part:

- (12) Licensee has committed conduct likely to deceive, defraud or harm the public.
- (25) Licensee has failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results.

12. K.S.A. 65-2885 of the Kansas Healing Arts Act states in pertinent part:

No person licensed hereunder shall use a title in connection with his name which in any way represents him as engaged in the practice of any branch of the healing arts for which he holds no license; provided, however, that every such licensee when using the letters or term "Dr." or "Doctor" shall use the appropriate words or letters to identify himself with the particular branch of the hearing arts in which he holds a license."

13. K.A.R. 100-24-1 of the Kansas Healing Art Regulations states in pertinent part:

- (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.

14. K.A.R. 100-10a-4 outlines in more detail the allowed practices under an exempt license as created in K.S.A. 65-2809(f) as follows:

- (a) Exempt licenses may be issued to qualified applicants if the professional activities of the applicant will be limited to the following:
 - (1) Performing administrative functions, including peer review, disability determinations, utilization review and expert opinions;
 - (2) Providing direct patient care services gratuitously or providing supervision, direction or consultation for no compensation. Nothing in this subsection shall prohibit an exempt license holder from receiving payment for subsistence allowances or actual and necessary expenses incurred in providing such services;
 - (3) Rendering professional services as a "charitable health care provider" as defined in K.S.A. 1990 Supp. 75-6102 and amendments thereto; and
 - (4) Providing services as a district coroner or deputy coroner.
- (b) Applications describing professional activities not included in (a) shall be reviewed by the board on a case-by-case basis to determine eligibility for an exempt license.

Conclusions of Law

15. The Board finds that Licensee violated K.S.A. 65-2836(b) when he failed to properly designate himself as a D.C. in the 2013 Japanese Festival materials and when he failed to

keep written medical records for the approximately thirty (30) patients for whom he provided professional services.

16. The Board finds that Licensee violated K.S.A. 65-2836(k), when he (1) failed to properly designate himself as a D.C. in the 2013 Japanese Festival materials, (2) failed to keep written medical records for approximately thirty (30) patients for whom he provided professional services to at the festival, and (3) failed to follow the minimum requirements for such records as outlined in K.A.R. 100-24-1 while providing services at the 2013 Japanese Festival.

17. The Board finds that Licensee violated K.S.A. 65-2837(b)(12) when he failed to properly designate himself as a D.C. at the 2013 Japanese Festival and when he failed to keep written medical records for approximately thirty (30) patients for whom he provided professional services.

18. The Board finds that Licensee violated K.S.A. 65-2837(b)(25) when he failed to keep written medical records for the approximately thirty (30) patients he treated at the 2013 Japanese Festival.

19. The Board finds that Licensee violated K.S.A. 65-2885 when he failed to properly designate himself as a D.C. in the 2013 Japanese Festival materials.

20. The Board finds that Licensee has violated K.A.R. 100-10a-4 when he provided professional services and charged \$15.00 for acupuncture and chiropractic manipulations at the 2013 Japanese Festival.

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

22. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-

537(a) in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

23. The action of public censure and a fine is within the scope of The Board of Healing Arts of the State of Kansas Guidelines for Imposition of Disciplinary Sanctions for the violations set forth above.

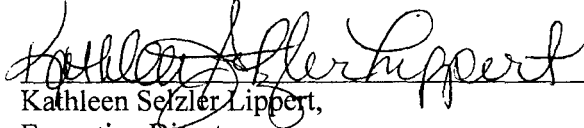
IT IS, THEREFORE, ORDERED that Licensee's license is hereby **PUBLICLY CENSURED** for violating the Kansas Healing Arts Act.

IT IS FURTHER ORDERED that Licensee is fined \$1,000.00 for violations of the Kansas Healing Arts Act. Such fine is due and payable by December 31, 2014.

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 21 day of Oct, 2014.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Seizler Lippert,
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 Kathleen Selzler Lippert, 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 12th day of November, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Kenri Honda, DC
9233 Ward Parkway, Suite 333
Kansas City, MO 64114

And a copy was hand-delivered to:

Seth K. Brackman, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, 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.



Cathy Brown, Executive Assistant