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JUN 18 2013

KS State Board of Healing Arts

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

In the Matter of

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Docket No. 13-HA 00108

ALICIA A. JOHNSON, N.D.
Kansas License No. 21-00021

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Seth K. Brackman, Associate Litigation Counsel, (“Petitioner”), and Alicia A. Johnson, N.D. (“Licensee”), *pro se*, and move the Board for approval of a Consent Order affecting Licensee’s license to practice as a naturopathic doctor in the State of Kansas.

The Parties stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is: 5453 W. 61st Place, Mission, Kansas 66205.
2. Licensee is entitled to engage in the practice as a naturopathic doctor in the State of Kansas, having been issued License No. 21-00021 on or about August 1, 2008. Licensee’s license is currently active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice as a naturopathic doctor. K.S.A. 65-7201 *et seq.*
4. 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.

5. The Kansas Naturopathic Doctor Licensure Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her 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.
7. 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.
8. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-7208(a)(2), 65-7211(a)(1)-(2), 65-7208(a)(5), 65-7208(c), and 65-7213(a) as further defined by K.A.R. 100-72-3(b), 100-72-3(p), 100-72-3(q), 100-72-3(r), and 100-72-5(b) to take action with respect to Licensee's license under the Kansas Naturopathic Doctor Licensure Act, K.S.A. 65-7201, *et seq.*
9. Licensee originally applied for licensure as a Naturopathic Doctor in the State of Kansas in May 2008.

10. Licensee's initial application included an additional payment of Thirty Dollars and Zero Cents (\$30.00). The Board's Licensing Department mailed a letter dated July 16, 2008, to Licensee explaining there is no fee in the amount of Thirty Dollars and Zero Cents (\$30.00) and returned the check to Licensee. The letter further explained the only other additional fees are when requesting a temporary license fee (\$25.00) or an acupuncture certification (\$20.00).
11. Licensee was issued a license, but such license did not include the acupuncture certification. At the time of the original application, Licensee provided no supporting documentation of the required five hundred (500) supervised clinical hours for the acupuncture certification.
12. Licensee renewed her license in August 2009, but she did not provide payment for the acupuncture certification or supporting documentation.
13. In September 2010, Licensee renewed her license and did attempt to pay for the acupuncture certification, but her credit card was declined. Licensee was never charged for the acupuncture certification in 2010.
14. The Board's Licensing Department received a copy of Licensee's transcript from Southwest College of Naturopathic Medicine and Health Sciences in October 2010, but was never provided a reason for why the Licensing Department was provided the transcript.
15. Licensee renewed her license in December 2011. Licensee attempted to pay for the acupuncture certification, but the additional payment was returned to Licensee because the Licensing Department did not believe it had proof of the 500 hours of

clinical training. The Licensing Department sent a letter dated January 6, 2012, informing her of her refund.

16. Licensee explained in a letter dated January 24, 2012, that she indicated she was applying for acupuncture certification in her original application and each renewal thereafter. Licensee states when she decided to look into the problem that she “quickly understood the problem”. The main issue appeared to be the transcripts provided to the Board did not indicate which rotations were clinical hours of acupuncture training. Licensee provided a revised transcript with notes indicating which rotations were acupuncture training and providing letters from her supervising physicians attesting to the same.
17. Joe Tatr, Special Investigator II, interviewed Licensee on March 7, 2012. During the course of the interview, Licensee indicated she had been practicing acupuncture since 2008.
18. On or about September 20, 2011, the Board received a complaint of Licensee’s website advertising herself as a licensed “Naturopathic Medical Doctor” and where she also used “NMD” after her name.
19. At the time of the complaint, Licensee was employed at the Kansas City Holistic Centre (KCHC), which had three locations in Kansas. KCHC’s website stated, “Alicia Johnson is a licensed Naturopathic Medical Doctor.”
20. Further, the KCHC website had a hyperlink to Licensee’s website listed as www.aliciajohnsonnmd.com.
21. Licensee was also employed at Aestheticare, L.L.C., located at 5001 College Boulevard, Ste, 216, Leawood, Kansas 66211 The website stated, “Alicia

Johnson is a licensed Naturopathic Medical Doctor.”

22. Aestheticare’s advertisements also listed Licensee as “Alicia Johnson, NMD.”
23. Additionally, Licensee was employed at Physical and Respiratory Therapy Services Nachtigal, L.L.C. (PRTS) located at 700 Oregon Street, Hiawatha, Kansas 66434. PRTS listed Licensee as “Dr. Alicia Johnson, NMD” throughout its website.
24. Licensee’s acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-7208(a)(2), 65-7211(a)(1-2), 65-7208(a)(5), 65-7208(c), and K.S.A. 65-7213(a) as further defined by K.A.R. 100-72-3 (b), 100-72-3(p), 100-72-3(q), 100-72-3(r), and 100-72-5(b).
25. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence; the Board has sufficient evidence to prove that Licensee has violated the Kansas Naturopathic Doctor Licensure Act with respect to the above allegations. Licensee further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
26. Pursuant to K.S.A. 65-7208, the Board may revoke, suspend, limit, or censure Licensee’s license.
27. According to K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
28. All pending investigation materials in KSBHA Investigation Numbers 12-00185 & 12-00363 regarding Licensee, were fully reviewed and considered by the Board members who serve on the Board’s Disciplinary Panel. Disciplinary Panel No. 27

authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

29. 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 practice as a physician assistant in the State of 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 Naturopathic Doctor Licensure Act, K.S.A. 65-7208, *et seq.*

30. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Naturopathic Doctor Licensure Act, to investigate complaints received 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 Naturopathic Doctor Licensure Act.

31. 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 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.

32. 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.
33. 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.
34. 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.
35. 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.

36. Licensee acknowledges that she has read this Consent Order and fully understands the contents.
37. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
38. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.
39. Licensee shall obey all federal, state and local laws and rules governing the practice of a physician's assistant in the State of 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.
40. 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. 77-526. 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.

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

42. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following regarding her license to engage in the practice as a physician's assistant:

FINE

43. Licensee agrees to pay a FINE in the amount of One Thousand Dollars and Zero Cents (\$1,000.00).

44. Such fine shall be paid to the "Kansas State Board of Healing Arts" in full on or before August 30, 2013.

45. All monetary payments made 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, Ste. A
Topeka, Kansas 66612

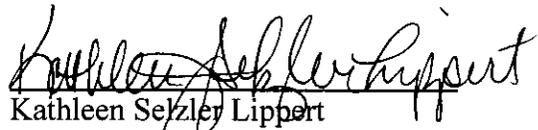
PUBLIC CENSURE

46. Licensee is publicly censured for violating the Kansas Naturopathic Doctor Licensure Act.

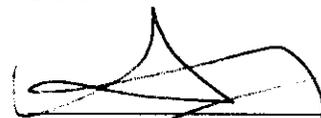
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 16 day of June, 2013.

**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**

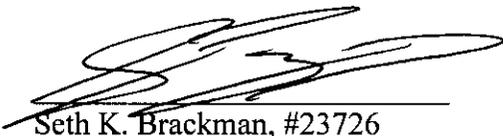

Kathleen Seizler Lippert
Executive Director

6/10/13
Date


Alicia A. Johnson, N.D.
Licensee

4-23-13
Date

PREPARED AND APPROVED BY:



Seth K. Brackman, #23726
Associate Litigation Counsel
800 SW Jackson Street
Lower Level-Suite A
Topeka, Kansas 66612
(785) 368-7257
(785) 368-7103 - facsimile

CERTIFICATE OF SERVICE

I, Cathy A. Brown, hereby certify that I served a true and correct copy of the **CONSENT ORDER** by United States mail, first-class, postage prepaid, on this 18th day of ~~May~~ June, 2013, to the following:

Alicia A. Johnson, N.D.
Licensee
5453 W. 61st Place
Mission, Kansas 66205

and the original was hand-filed with:

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

and a copy was hand-delivered to:

Seth K. Brackman
Associate 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

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

Cathy A. Brown
Staff Member