

FILED AP

July 4, 2008

KS State Board of Healing Arts

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

In the Matter of)	
)	
Robert Neu, D.C.)	
Kansas License Applicant)	Investigation No. 09-00078
_____)	Docket No. 09-HA- 00094

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts (“Board”) by and through Dan Riley, Associate Litigation Counsel (“Petitioner”), and Robert Neu, D.C., (“Applicant”) and move the Board for approval of a Consent Order affecting Licensee’s license to practice chiropractic in the State of Kansas. The parties stipulate and agree to the following:

1. Applicant’s last known mailing address to the Board is 4412 Roundabout Circle, Lawrence, Kansas 66049.
2. Applicant is an April 2008 graduate of Cleveland Chiropractic College and submitted an application for Kansas licensure on approximately July 1, 2008. Applicant disclosed two prior convictions for alcohol related offenses, a driving while intoxicated offense in 1999 and a boating while intoxicated offense in 2006.
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 of chiropractic. K.S.A. 65-2801 *et seq.*; K.S.A. 65-2869.

4. All pending investigative materials regarding applicant were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. The Disciplinary Panel authorized and directed the Board counsel to seek settlement of this matter with provisions contained in this Consent Order.

5. 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. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Applicant agrees that, in considering this matter, the Board is not beyond its jurisdiction as provided by law.

7. Applicant voluntarily and knowingly waives his right to a hearing. Applicant voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. 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.

9. The Board has grounds for denial of the applicant's application license pursuant to K.S.A. 65-2836a (b), in that Applicant has committed an act of unprofessional or dishonorable conduct or professional incompetency.

10. Upon issuance of the License to Applicant, Applicant voluntarily stipulates and agrees to the following restrictions and limitations on the License to engage in the practice of chiropractic in the State of Kansas:

**APPLICANT'S LICENSE IS HEREBY PLACED UPON
PROBATION FOR A PERIOD OF FIVE YEARS COMMENCING
UPON THE FILING OF THIS ORDER.**

The terms of the probation shall be as follows:

(Confidential)

(Confidential)

j. This probation is not self limiting, Applicant may for good cause file a motion with the Board to terminate this Consent Order.

11. Applicant's failure to comply with the provisions of the Consent Order may result in the Board taking further action as the Board deems appropriate in accordance with the Kansas Administrative Procedure Act.

12. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, 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 Healing Arts Act.

13. Applicant hereby releases the Board, its employees and agents, from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board of any and all claims or demands of every kind and nature that Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or

unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Board, its employees or agents, arising out of acts leading to the execution of this Consent Order or the content of this Consent order.

14. 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.

15. Applicant 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 Applicant is not present. Applicant 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.

16. Applicant by signature to this document, waives any objection to the participation of the Board members 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 proceeding 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.

17. Applicant acknowledges that he has read this Consent Order and fully understands the contents.

18. All correspondence or communication between Applicant and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

19. Applicant shall obey all federal, state, and local laws and rules governing the practice of chiropractic 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.

20. 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. 65-2838. 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.

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

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board, and is the Order of the Board.

IT IS FURTHER ORDERED that:

**APPLICANT'S LICENSE IS HEREBY PLACED UPON
PROBATION FOR A PERIOD OF FIVE YEARS COMMENCING
UPON THE FILING OF THIS ORDER.**

The terms of the probation shall be as follows:

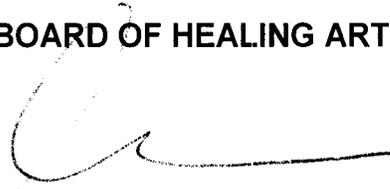
(Confidential)

(Confidential)

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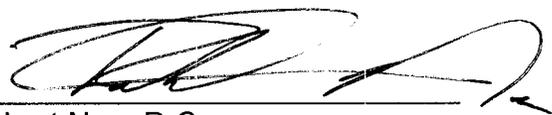
IT IS SO ORDERED.

KANSAS BOARD OF HEALING ARTS:



John (Jack) Confer
Acting Executive Director

10 13 08
Date



Robert Neu, D.C.
Licensee

9/24/08
Date

PREPARED BY:



Dan Riley #15658
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
(785) 296-7413
Attorney for Petitioner

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing CONSENT ORDER was served this 14th day of October, 2008, by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Robert Neu, D.C.
4412 Roundabout Circle
Lawrence, Kansas 66049

and a copy was hand-delivered to:

Dan Riley, Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and to:

Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was hand-delivered for filing to:

John(Jack)Confer
Acting Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Cathy A. Brown