

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of )  
 ) Docket No. 16-HA00011  
Truong Cong Pham, D.C. )  
Kansas License No. 01-05125 )

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Susan R. Gering, Associate Litigation Counsel, and Joseph S. Behzadi, Associate Litigation Counsel ("Petitioner"), and Truong Cong Pham, D.C. ("Licensee"), *pro se*, 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. Licensee's last known mailing address to the Board is: **Confidential** North Kansas City, Missouri 64116.
2. Licensee is or has been entitled to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-05125 on or about August 18, 2007. On February 1, 2015, Licensee's license was cancelled by operation of law. Licensee's current license status is Cancelled by Operation of Law, Failure to Renew.
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.* and K.S.A. 65-2871.
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 and 65-2838. 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 Healing Arts 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 his right to a hearing. Licensee 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. 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. 65-2836, to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

9. This Consent Order incorporates herein by reference the facts as stated in the Petition that was filed on December 4, 2015. Exhibit 1, Amended Petition in the Matter of Truong Cong Pham, D.C., KSBHA Docket No. 16-HA00011.

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Consent Order  
Truong Cong Pham, D.C.

10. 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 Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

11. Licensee's acts, if proven, constitute unprofessional and dishonorable conduct as set forth in K.S.A. 65-2836.

12. Licensee's supervision of Mr. Bazin and Licensee's treatment and care of Northside Clinic patients violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(12) for conduct likely to deceive, defraud or harm the public.

13. Licensee's care and treatment of Patient 8 violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(18), in that Licensee obtained a fee by fraud, deceit or misrepresentation when Northside inappropriately billed for x-rays performed on August 4, 2010, and August 11, 2010

14. Licensee care and treatment of Patient 4 and Patient 8 violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(19), in that Licensee billed for chiropractic manipulations not actually and personally rendered using CPT code 98941.

15. Licensee violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(25) by failing to keep written medical records which accurately describe the services rendered to the patients.

16. Licensee has violated K.S.A. 65-2836(f), in that Licensee has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform

controlled substance act, or any rules and regulations of the secretary of health and environment which are relevant to the practice of the healing arts; and

17. Licensee violated K.S.A. 65-2836(k), in that Licensee violated any lawful rule and/or regulation promulgated by the Board. Specifically, Licensee violated K.A.R. 100-24-1 by failing to maintain an adequate record for patients.

18. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's license and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.

19. According to K.S.A.65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

20. All pending investigation materials in KSBHA Investigation number 11-00525 and KSBHA Docket No. 16-HA00011 regarding Licensee, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 28 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

21. 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 chiropractic 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 Healing Arts Act, K.S.A. 65-2801 *et seq.*

22. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas 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 Kansas Healing Arts Act.

23. 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.

24. 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.

25. 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.

26. 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.

27. 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.

28. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

29. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

30. 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.

31. Licensee 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.

32. 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.

33. This Consent Order constitutes **public disciplinary action**.

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

35. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of chiropractic:

#### **PUBLIC CENSURE**

36. Licensee is **publicly censured** for violating the Healing Arts Act.

#### **SUSPENSION**

37. Licensee's license shall be suspended for a period of at least one (1) year. Such suspension will be in effect from the effective date of this order until such time the Board lifts this suspension.

**PROBATION: EDUCATION**

38. Licensee shall attend and successfully complete the Medical Record Keeping Seminar offered by the Center for Personalized Education for Physicians (CPEP). Within ten (10) days of the approval of this Consent Order, Licensee shall contact CPEP, 7351 Lowry Boulevard, Suite 100, Denver, Colorado 80230, (303) 577-3232, to enroll in the Medical Record Keeping Seminar course at the earliest dates available to both CPEP and Licensee. Licensee shall forward proof of enrollment in the above-mentioned course to the Compliance Coordinator immediately thereafter.

39. Licensee shall provide proof of successful completion of the CPEP Medical Record Keeping Seminar within thirty (30) days of the course to the following:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level, Suite A  
Topeka, Kansas 66612

40. Licensee shall enter into, complete, and pass all five (5) topic areas of the EBAS Essay Examination that is put on by Ethics and Boundaries Assessment Services, LLC. The score report of any and all examination attempts by Licensee regardless of Licensee receiving a passing or failing score, shall be provided to the Board by Licensee within ten (10) business days of Licensee receiving the test result. Licensee further agrees that any and all results will be presented to the Board at the time of his request to modify or terminate his suspension. The results shall be sent to:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

41. Within ten (10) days of the approval of the Consent Order, Licensee shall contact EBAS, 901 54th Avenue, Greeley, Colorado 80634, (970) 352-9050, to schedule the Ethics and Boundaries Essay Examination at the earliest dates available to both EBAS and Licensee.
42. All required terms of this education provision must be completed prior to the lifting of Licensee's suspension.
43. All costs associated with such CPEP Medical Record Keeping Seminar and EBAS Ethics and Boundaries Essay Examination shall be at Licensee's own expense to include, but not limited to, the cost of the course/seminar/exam, the cost of travel to and from the course/seminar/exam, and cost of accommodations while attending the course/seminar/exam.
44. These hours shall be in addition to those hours required for renewal/reinstatement of licensure.

#### **BOARD COSTS**

45. Licensee is hereby ordered to pay the Board's COSTS in conducting this proceeding under the Kansas Administrative Procedure Act in the amount that is put forth in by the Board in an Amended Statement of Costs. These costs shall be paid in full prior to the Board's consideration to terminate Licensee's suspension.

46. Licensee shall make all payments, which shall be in the form of a cashier's check or money order to the "Kansas State Board of Healing Arts" and send all payments to the attention of:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

**TIMEFRAME**

47. The suspension provision is not self-terminating. After a period of one (1) year, Licensee will be required to request modification or termination of this provision.

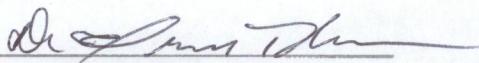
**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

**IT IS SO ORDERED** on this 12 day of April, 2016.

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

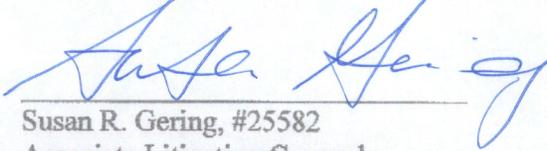
  
Kathleen Selzier Lippert  
Executive Director

4/12/16  
March 11, 2016  
Date

  
Truong Cong Pham, D.C.  
Licensee

March 11, 2016  
Date

PREPARED AND APPROVED BY:



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Joseph S. Behzadi, #24065  
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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 12<sup>th</sup> day of - April, 2016, to the following:

Truong Cong Pham, D.C.  
Licensee  
**Confidential**  
North Kansas City, Missouri 64116

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:

Susan R. Gering, Associate Litigation Counsel  
Joseph S. Behzadi, Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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Debra Albright