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BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

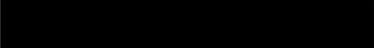
KS State Board of Healing Arts

In the Matter of)
) KSBHA Docket No.: 18-HA00056
CHRISTOPHER L. POUNDS, D.C.)
Kansas License No. 01-05552)

CONSENT ORDER FOR SURRENDER

COMES NOW, the Kansas State Board of Healing Arts ("Board"), by and through Courtney E. Manly, Associate Litigation Counsel, and J. Todd Hiatt, Associate Litigation Counsel, and Christopher L. Pounds, D.C. ("Licensee"), by and through his attorney Bradley M. Dowd, of Horn, Aylward, & Bandy, LLC, and move the Board for approval of a Consent Order affecting Licensee's license to practice chiropractic in Kansas. The Board and Licensee stipulate and agree to the following:

FACTS

1. Licensee's last known mailing address to the Board is: 
Overland Park, Kansas 66213.
2. Licensee is or has been entitled to practice chiropractic in the State of Kansas, having been issued License No. 01-05552 on approximately June 14, 2013. Licensee last renewed such license on or about November 28, 2017. Licensee's current license status is Emergently Suspended.
3. While Licensee admits no wrongdoing and for purposes of this action only, this Consent Order incorporates herein by reference the facts as stated in the Petition that was filed on May 25, 2018. (Exhibit A, Petition, *In the Matter of Christopher L. Pounds, D.C.*, KSBHA Docket No. 18-HA00056).

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

19. 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.

20. 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.

21. A protective order is hereby entered to protect all confidential information under 42 CFR Part II, K.S.A. 65-2836(i), and K.S.A. 65-4925.

22. 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.

23. 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

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4. Generally, the Board received information from two (2) of Licensee's patients, who independently reported similar instances of sexual abuse, misconduct, and/or improper sexual contact perpetrated on the patients by the Licensee as more fully articulated in Paragraphs 6-34 of the Petition filed in this matter on May 25, 2018. (Exhibit A, Petition, *In the Matter of Christopher L. Pounds, D.C.*, KSBHA Docket No. 18-HA00056.)

5. Licensee denies any wrongdoing.

6. If proved true and accurate, the Board believes Licensee's acts and conduct during the course of treating Patients 1 and 2 constitutes acts in violation of the Kansas Healing Arts Act as follows:

a. Licensee violated K.S.A. 65-2836(b), in that Licensee committed an act of unprofessional or dishonorable conduct.

b. Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), in that Licensee committed an act of unprofessional or dishonorable conduct likely to deceive, defraud, or harm the public.

c. Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(16), in that Licensee committed an act of unprofessional or dishonorable conduct for committing an act of sexual abuse, misconduct or other improper sexual contact, which exploits the licensee-patient relationship, with a patient.

d. Licensee violated K.S.A. 65-2836(f), in that Licensee has willfully or repeatedly violated the Healing Arts Act.

7. Under K.S.A. 65-2836 *et seq.*, the Board has grounds to revoke, suspend, censure, placed on probation or otherwise limit Licensee's license for violations of the Kansas Healing Arts Act.

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8. While admitting no wrongdoing and for the purposes of this action only, 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. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

9. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby surrenders his license to practice chiropractic in the State of Kansas. Such surrender shall be treated as a revocation for all purposes, including reporting. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844 and all applicable statutes, law, rules, and regulations regarding qualifications for licensure and reinstatement. Further, Licensee's application will be governed by *Vakas v. the Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991).

10. Licensee shall be required to pay the fee for reinstatement of a revoked license with any application for reinstatement.

11. While admitting no wrongdoing and for the purposes for this action only, Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in this Consent Order, and as more fully set forth in the Petition filed in KSBHA Docket No.: 18-HA00056, will be considered for any application for reinstatement.

12. Licensee agrees that he will not apply for reinstatement or stay of his revocation of his license until three (3) years has elapsed from the date of the approval of this Consent Order.

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13. Licensee shall place his patients' records in the custody of another licensed chiropractor, or a records maintenance facility, in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board in writing on or before ^{CP} August 6th, 2018, of the specific measure taken and the appropriate contact information of the designated record custodian so that the Board can respond to questions from patients about the location of their medical records, and how they can obtain them.

14. Licensee acknowledges that pursuant to K.S.A. 65-2867, it shall be unlawful for Licensee to open or maintain an office for the practice of the healing arts, or to announce or hold out to the public the intention, authority, or skill to practice the healing arts.

15. Licensee is prohibited from owning, managing, operating or being employed by any entity providing health care services in a position where he would provide or assist in the direct provision of medical care or treatment to a patient until such time he is a duly licensed practitioner of chiropractic medicine.

16. The Board is the sole and exclusive administrative agency of the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of chiropractic.

17. 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 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.

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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.

24. 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.

25. 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.

26. 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 this Consent Order.

27. 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.

28. 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.

29. 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.

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

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

32. 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.

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33. 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 Final Order when filed with the office of the Executive Director for the Board and no further Order is required.

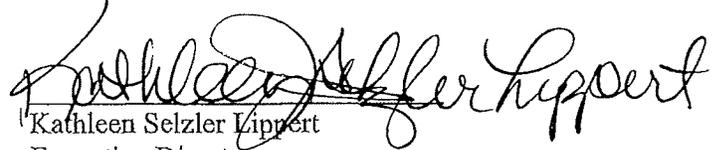
34. This Consent Order constitutes public disciplinary action.

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

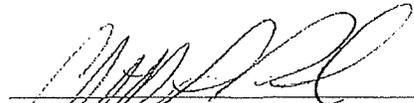
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 20 day of June, 2018.

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


Kathleen Selzler Lippert
Executive Director

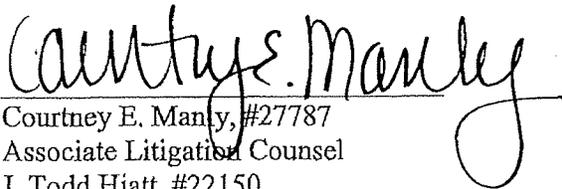
6/20/2018
Date


Christopher L. Pounds, D.C.
Licensee

6-19-18
Date

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PREPARED AND APPROVED BY:



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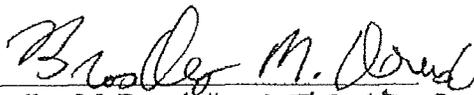
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Attorney for Licensee

Consent Order for Surrender

Christopher L. Pounds, D.C.

License No. 01-05552

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing Petition was served this 20 day of June, 2018, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Bradley M. Dowd
Horn, Aylward & Bandy, LLC
Licensee's Attorney
2600 Grand Boulevard, Suite 1100
Kansas City, MO 64108

Christopher L. Pounds, D.C.
Licensee
[REDACTED]
Overland Park, Kansas 66213

and the original was filed with the office of the Executive Director:

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Suite A
Topeka, KS 66612

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

Debra Albright

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