

JUL 31 2017

KS State Board of Healing Arts

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

In the Matter of)	
)	Docket No. 17-HA00061
CRAIG A. ROGERS, D.C.)	
Kansas License No. 01-04691)	

CONSENT ORDER FOR SURRENDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Jane E. Weiler, Associate Litigation Counsel, (“Petitioner”), and Craig A. Rogers, D.C., (“Licensee”), by and through Brian Wright of Wright Law Group, CHTD., 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: 204 E. Washington Street, Norton, Kansas 67654.
2. Licensee is or has been entitled to practice chiropractic in the State of Kansas, having been issued License No. 01-04691 on approximately December 9, 2000, having last renewed such license on approximately January 20, 2017. Licensee’s current license is suspended.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate 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

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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(b), as further defined in K.S.A. 65-2809(g); K.S.A. 65-2836(b), as further defined in K.S.A. 65-

2837(b)(12); K.S.A. 65-2836(g); and K.S.A. 65-2836(f) to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

9. On or about October 17, 2005, Licensee was found to have been engaged in the practice of the healing arts when he was not entitled to practice the healing arts in the State of Kansas.
10. On August 15, 2016, Licensee submitted to the Board an application for change of designation to inactive status, which became effective on or about November 18, 2016.
11. Since Licensee's Kansas license had been inactive, he has continued to hold himself out to the public as being professionally engaged in the practice of chiropractic and has been regularly engaged in the practice of the healing arts.
12. On January 13, 2017, Licensee submitted to the Board a renewal of his chiropractic license to be inactive.
13. On March 27, 2017, Licensee submitted an application for reinstatement ("2017 Reinstatement Application") of his license to practice chiropractic in the State of Kansas.
14. From January 2, 2017, through April 6, 2017, Licensee provided eight (8) chiropractic adjustments to Patient #1 at the Norton Chiropractic Clinic in Norton, Kansas while Licensee's license designation to practice the healing arts was inactive.
15. Additionally, from November 28, 2016, through April 13, 2017, Licensee provided chiropractic adjustments to at least seven hundred two (702)

- patients at the Norton Chiropractic Clinic in Norton, Kansas while Licensee's license designation to practice the healing arts was inactive.
16. Further, of these seven hundred two (702) patients, Licensee provided chiropractic adjustments to approximately thirty-one (31) new patients.
17. On May 8, 2017, a Notice of Conference Hearing was sent to Licensee informing him that his 2017 Reinstatement Application would be heard at the June Board Meeting, which is scheduled for June 9, 2017.
18. On May 10, 2017, Petitioner filed a Response to Opposition to Licensee's Application for Reinstatement of License to Practice Chiropractic.
19. On or about May 15, 2017, Licensee placed or caused someone to place a sign on the counter at his Norton Chiropractic Center stating all adjustments are \$40 cash and no insurance will be filed.
20. On June 9, 2017, Licensee admitted that he has been providing chiropractic adjustments to patients at the Norton Chiropractic Clinic in Norton, Kansas while Licensee's license designation to practice the healing arts was inactive.
21. 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.

22. Licensee's acts constitute violations of the Kansas Healing Arts Practice Act as set forth in K.S.A. 65-2836.
23. Licensee violated K.S.A. 65-2836(k), in that he violated a lawful order of the Board previously ordered by the Board in Docket No. 16-HA00096 when Licensee failed to comply with the terms and conditions of his 2016 Consent Order and the 2016 Final Order.
24. Licensee violated K.S.A. 65-2836(b), as generally alleged, in that Licensee committed an act or acts of unprofessional and/or dishonorable conduct when he practiced outside of the scope of an inactive license granted pursuant to K.S.A. 2809(g).
25. In addition, Licensee violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), in that Licensee has committed conduct likely to deceive and/or harm the public.
26. Further, Licensee violated K.S.A. K.S.A. 65-2836(g), in that Licensee has invaded the field of practice of chiropractic at a time when he was not licensed to practice chiropractic because he had an inactive license pursuant to K.S.A. 65-2809(g).
27. Additionally, Licensee violated K.S.A. 65-2836(f) in that Licensee has willfully and repeatedly violated the Kansas Healing Arts Act by providing chiropractic services in Kansas at a time in which he was not entitled to practice the healing arts in Kansas and/or holding himself out as a duly licensed active practitioner of the healing arts in Kansas.

28. 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.
29. 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.
30. All of the materials in KSBHA Investigative Case Number 17-00332 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel No. 32. Disciplinary Panel No. 32 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
31. 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

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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.*

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

36. 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.

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

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

39. All correspondence or communication between Licensee and the Compliance Coordinator relating to the Consent Order shall be by certified mail addressed to:

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

40. Licensee shall obey all federal, state and local laws and rules governing the practice as 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.

41. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final 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.

42. This Consent Order constitutes public disciplinary action.

43. A protective order is hereby entered to protect all confidential information under 42 CFR Part II and K.S.A. 65-4925.

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

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

VOLUNTARY SURRENDER TREATED AS REVOCATION

46. Licensee hereby surrenders his Kansas license to practice chiropractic. Such surrender shall be treated as a revocation for all purposes including reporting such action. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing*

Arts, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.

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

48. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in this Consent Order will be considered as findings of fact and conclusions of law.

49. Licensee shall place his patients' records in the custody of another licensed chiropractor or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board on or before August 4, 2017, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their patient records and how they can obtain them.

50. 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.

51. Licensee is prohibited from owning, managing, being employed by or in any way acting in an advisory capacity for any entity providing chiropractic services in the State of Kansas.

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 31st day of July, 2017.

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

Kelli G. Stevens for Kathleen Selzler Lippert
Kathleen Selzler Lippert
Executive Director *Kathleen Selzler Lippert*

7/31/17
Date

Craig A. Rogers
Craig A. Rogers, D.C.
Licensee

7-27-2017
Date

APPROVED BY:

Brian C. Wright
Brian Wright, #12874
Wright Law Office, CHTD.
4312 10th St. Place
Great Bend, Kansas 67530

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PREPARED AND APPROVED BY:



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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order for Surrender by United States mail, postage prepaid, on this 31st day of July, 2017, to the following:

Craig A. Rogers, D.C.
Licensee
204 E. Washington Street
Norton, Kansas 67654

Brian Wright
Attorney for Licensee
4312 10th St. Place
Great Bend, Kansas 67530

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:

Jane E. Weiler, Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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


Cathy A. Brown

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