

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

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SEP 02 2009

KS State Board of Healing Arts

In the Matter of)
)
ANDREW J. ROY, D.C.)
Kansas License No. 01-04547) Docket No. 10-HA00017
_____)

**FINAL ORDER AND JOURNAL ENTRY OF SATISFACTION
OF REQUIREMENTS OF FINAL ORDER**

NOW ON THIS 1st day of September, 2009, the above-entitled matter comes on before John (Jack) Confer, Executive Director of the Kansas State Board of Healing Arts (“Board”). After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

1. On August 11, 2009, the Executive Director issued a Summary Order regarding the license of Andrew J. Roy, D.C. (“Licensee”) to practice chiropractic in the state of Kansas. The Summary Order contained a provision assessing a \$500 civil fine against Licensee for engaging in unprofessional conduct, due and payable within thirty (30) days of the effective date of the Summary Order.

2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

3. No hearing has been requested by any party; therefore the Summary Order became effective as a Final Order on August 31, 2009.

4. On August 18, 2009, Licensee remitted \$500.00 to the Board for satisfaction of the \$500 civil fine.

5. Licensee has satisfied all requirements of the Final Order and has no further obligation for compliance.

IT IS THEREFORE ORDERED that Licensee is hereby discharged from the requirements of the Final Order.

IT IS SO ORDERED.

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed pursuant to K.S.A 77-613(e), the Agency Officer to be served on behalf of the Kansas State Board of Healing Arts is Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603.

Dated this 15th day of September 2009.

KANSAS BOARD OF HEALING ARTS

John (Jack) Confer
Executive Director

Date

9-1-09

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing **Final Order and Journal Entry of Satisfaction** was served on the 2nd day of September, 2009 by United States mail, first-class postage pre-paid and addressed to:

Andrew J. Roy, D.C.
2071 N. West St.
Wichita, Kansas 67203


and a copy was hand-delivered to:

Stacy R. Bond
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065

and the original was hand-delivered for filing with the office of the Executive Director:

Jack Confer
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Cathy Brown
Executive Assistant

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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)
Andrew J. Roy, D.C.)
)
)
Kansas License No. 01-04547)
_____)

Docket No. 10-HA 00017
Investigation No. 09-00402

SUMMARY ORDER

NOW ON THIS 11th day of August, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas State Board of Healing Arts (“Board”), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

Findings of Fact

1. Andrew J. Roy, D.C. (“Licensee”) was originally issued license number 01-04547 to practice chiropractic in the state of Kansas on April 25, 1998. Licensee’s license is active, having last been renewed on or about December 10, 2008.
2. Licensee’s last known mailing address as provided to the Board at the time of his renewal is 2071 N. West St., Wichita, Kansas 67203.
3. On or about February 12, 2009, the Board received a complaint alleging licensee was engaging in prohibited advertising practices. Enclosed with the complaint was a copy of an advertisement that was placed in the Wichita Eagle during the week of February 1 to 5, 2009.

4. The advertisements submitted by the complainant stated “In fact, the treatment is so painless that it’s common for patients to fall asleep during the procedure.”

5. On March 10, 2009, Licensee in his response to Board investigator apologized for this oversight and stated that they had made all the appropriate changes to be in compliance with K.S.A. 65-2836.

6. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board’s Disciplinary Panel. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions pursuant to Board Guidelines.

Applicable Law

7. K.S.A. 65-2836 states, in pertinent part: A licensee’s license may be revoked, suspended, or limited or the licensee may be publicly or privately censured, or an application for license or for reinstatement of a license may be denied upon finding of the existence of any of the following grounds:

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency.

8. K.S.A. 65-2837 states, in pertinent part: As used in K.S.A. 65-2836, and amendments thereto, and in this section:

(b) Unprofessional conduct means: (8) advertising to guarantee any professional service or to perform any operation painlessly.

Conclusions of Law

10. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

11. The Board finds that Licensee violated K.S.A. 65-2836 and K.S.A. 65-2837(b)(8) by advertising spinal decompression therapy as being a painless procedure.

12. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Andrew J. Roy, D.C.

IT IS, THEREFORE, ORDERED that Licensee is hereby assessed a civil fine in the amount of \$500.00. Such fine is payable in full to the “Kansas Board of Healing Arts” within thirty (30) days of this order becoming final.

NOTICE AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 11th day of August, 2009.

Kansas State Board of Healing Arts



Jack Confer
Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 11th day of August, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Andrew J. Roy, D.C.
2071 N. West St.
Wichita, Kansas 67203

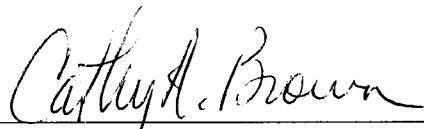
and a copy was hand-delivered to:

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Stacy R. Bond
Associate Counsel
Kansas State Board of Healing Arts
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and the original was filed with the office of the Executive Director:

Jack Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant