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APR 22 2016

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
Kyle M. Sheahon, D.C.)
)
Kansas License No. 01-05701) Docket No. 16-HA00096
)
_____)

**EX PARTE EMERGENCY ORDER OF SUSPENSION AND
ORDER FOR EMERGENCY PROCEEDINGS**

NOW on this 22nd day of April 2016, comes before the Kansas State Board of Healing Arts, Richard Macias, J.D. duly appointed Presiding Officer, Petitioner's Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings, filed against Kyle M. Sheahon, D.C. ("Licensee") by the Kansas Board of Healing Arts ("Petitioner").

The Presiding Officer has reviewed the agency record in this matter, including the Petition seeking disciplinary action, Petitioner's Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings ("Motion"), and all attached exhibits which were filed on April 21, 2016. The Motion requests that Licensee's license be emergently suspended pending hearing proceedings on the Motion.

Based upon due consideration of the pleadings and exhibits in the agency record, the Presiding Officer finds, concludes and order as follows:

1. Licensee is presently licensed to engage in the practice of chiropractic in the State of Kansas.
2. A Petition requesting disciplinary action against Licensee's license was filed April 21, 2016, alleging that Licensee committed violations of the Healing Arts Act which are

grounds for discipline.

3. The Petition alleges that Licensee entered into a Consent Order with the Board on or about February 10, 2015, in which Licensee disclosed a prior arrest for DUI in 2011.

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5. On or about January 21, 2016, an Amended Petition was filed against Licensee's

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license

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8. On or about February 11, 2016, Licensee provided documentation to the Board

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8. On or about April 8, 2016, Licensee was before the Board for approval of a Consent Order to resolve the issues alleged in the Amended Petition. Confidential

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at the time of Licensee's appearance at the Board meeting of April 8, 2016.

9. At the Board meeting of April 8, 2016, Licensee testified under oath that his Confidential was January 1, 2016. Licensee further assured the Board that he had changed his life and Confidential

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11. Petitioner contends that Licensee has failed to be forthright and honest when he testified before the Board Confidential

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Petitioner further contends that due to Licensee's history of being less than

honest with the Board **Confidential** that Licensee is a danger to the public as the Board cannot guarantee Licensee's compliance with the current Consent Order that has been entered into by both the Licensee and the Board to ensure Licensee's safety to practice. As a result, Licensee's continued practice puts patients in immediate and imminent danger.

13. Pursuant to K.S.A. 65-2838(c) and in accordance with K.S.A. 77-536, the Presiding Officer has authority to issue an order without notice and hearing to temporarily suspend a licensee's license if the Presiding Officer determines that there is cause to believe grounds exist under K.S.A. 65-2836 for disciplinary action and that a licensee's continued practice constitutes an immediate or imminent danger to the public health and safety. K.S.A. 77-536(b)(1) limits the Presiding Officer's authority to take action to only that which is necessary to prevent or avoid immediate danger to the public health, safety or welfare that justifies the use of emergency adjudication.

14. Based on the Petition filed in this matter along with the attached exhibits, there is cause to believe grounds for discipline exist pursuant to K.S.A. 65-2836(k), for violating a previously entered lawful order of the board, K.S.A. 65-2836(b), unprofessional conduct for committing conduct likely to deceive, defraud or harm the public.

IT IS THEREFORE ORDERED that Licensee's license is hereby emergently SUSPENDED on a temporary basis. Such temporary SUSPENSION prohibits Licensee from engaging in the practice of chiropractic in the state of Kansas. Such temporary SUSPENSION is effective upon issuance of this Order.

IT IS FURTHER ORDERED that Petitioner is hereby directed to expeditiously serve Licensee with a copy of this Order personally or by electronic means such that Licensee receives

immediate notification of the temporary SUSPENSION of his license which has been imposed. Petitioner is further directed to file proof of service of this Order indicating the manner of such service.

IT IS FURTHER ORDERED that a hearing shall be conducted on the Motion to determine if the emergency SUSPENSION should remain in place pending adjudication of the allegations in the Petition. A separate Notice of Hearing setting forth the date and time of such hearings shall be issued.

IT IS SO ORDERED THIS 2nd DAY OF APRIL, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

KANSAS STATE BOARD OF HEALING ARTS


Richard Macias, J.D., Presiding Officer

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the foregoing **EX PARTE EMERGENCY ORDER OF SUSPENSION AND ORDER FOR EMERGENCY PROCEEDINGS** this 22nd day of April, 2016, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Kyle M. Sheahon, D.C.
Licensee
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Salina, Kansas 67401

Diane L. Bellquist
Joseph, Hollander & Craft, LLC
1508 Topeka Blvd.
Topeka, KS 66612

and a copy was delivered to:

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

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

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

