

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

MAR 14 1997

KANSAS STATE BOARD OF  
HEALING ARTS

In the Matter of	)	Case No.	96-00072
	)		
KEITH K. SKINNER, D.C.	)		96-00008
Kansas License No. 01-04207	)		95-00241
_____	)		

JOURNAL ENTRY

NOW ON THIS 15th day of February, 1997, this matter comes before the Board for information regarding the status of the Initial Order filed December 4, 1996. The Board notes that the Initial Order was served upon licensee at his last-known address, and that no petition for review has been filed by licensee. The Initial Order therefore became a Final Order. Revocation of the license of Keith K. Skinner, D.C., as stated in the Initial Order, became the Final Order of the Board effective January 6, 1997.

Dated this 14<sup>th</sup> day of March, 1997.

  
\_\_\_\_\_  
LAWRENCE T. BUENING, JR.  
Executive Director

**CERTIFICATE OF SERVICE**

I, Mark W. Stafford, General Counsel, Kansas State Board of Healing Arts, do hereby certify that on the 17<sup>th</sup> day of March, 1997, a copy of the above and foregoing **JOURNAL ENTRY** was deposited in the United States mail, postage prepaid, to the following:

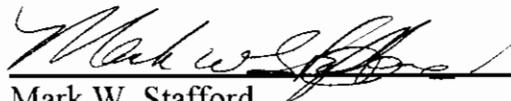
Jeanette Bertelson  
5016 SW Brentwood Court  
Topeka, Kansas 66606

Keith K. Skinner, D.C.  
6483 Burgundy Drive  
Littleton, Colorado 80123

Keith K. Skinner, D.C.  
2436 West Douglas  
Wichita, Kansas 67203

and a copy was hand delivered to:

Kevin K. LaChance  
Disciplinary Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603

  
\_\_\_\_\_  
Mark W. Stafford

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**JOURNAL ENTRY**  
**Keith K. Skinner, D.C.**

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of	)		
	)	Case Nos.	96-00072
KEITH K. SKINNER, D.C.	)		96-00008
Kansas License No. 01-04207	)		95-00241
_____	)		

**INITIAL ORDER**

**NOW**, on this 4th day of December, 1996, the above entitled matter comes on for final determination of the Petition to Revoke, Suspend or Otherwise Limit License of Keith K. Skinner, D.C. ("Licensee"). The Kansas State Board of Healing Arts ("Board") appears by and through its counsel, Lori Miskel McNett, Associate Counsel. Keith K. Skinner, D.C. ("Licensee") appears not, either in person or by counsel.

Thereupon, Petitioner moved that Licensee be held in default in accordance with the provisions of K.S.A. 1995 Supp. 77-520 and that written notice of a proposed default order be served upon Licensee, which motion was sustained. Petitioner proceeded to offer evidence in support of the allegations contained in the Petition to Revoke, Suspend or Otherwise Limit License filed on July 16, 1996. The Board's evidence consisted of documents identified as Petitioner's Exhibits A through F.2, which were admitted.

After reviewing the file, receiving the proffered evidence, hearing statement of counsel and being duly advised in the premises, the specific findings of fact and conclusions of law for decision are as follows:

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**INITIAL ORDER**  
**Keith K. Skinner, D.C.**

### FINDINGS OF FACT

1. Licensee is or has been entitled to engage in the practice of chiropractic in the State of Kansas, having been issued license number 01-04207 on February 5, 1994.

2. On March 15, 1995, in the Arapahoe County Court in Aurora, Colorado, Licensee pled guilty to one count of felony theft and once count of misdemeanor theft. Licensee was sentenced to three (3) years deferred sentence, 75 hours of community service, and was ordered to pay restitution.

3. On Licensee's 1995-96 license renewal application signed by Licensee on July 27, 1995, Licensee denied that he had been found guilty or pled no contest to any felony or class A misdemeanor.

4. Licensee has refused to cooperate with a Board investigation by failing to respond to subpoena number 1688 issued on September 27, 1988, regarding the patient records of R.A.

5. On or about April 17, 1995, a member of Licensee's staff altered the patient history form for R.A., to exclude any reference to acupuncture services.

6. Licensee billed patient R.A.'s insurance carrier for services that were not actually rendered.

7. Licensee billed patient J.N.'s insurance carrier for services on August 18, 1994, August 22, 1994 and August 28, 1994, which were not actually rendered.

8. Licensee failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examinations and test results.

9. Licensee falsified the patient record of L.R. indicating that he had performed services on February 25, 1994, February 28, 1994, March 18, 1994, March 30, 1994, and April 1, 1994, which he had not in fact performed.

10. Licensee billed patient L.R.'s insurance carrier for services on February 25, 1994, February 28, 1994, arch 18, 1994, March 28, 1994, March 30, 1994 and April 1, 1994, which services were not actually rendered.

11. Licensee received compensation from L.R.'s insurance carrier for claims submitted by Licensee for professional services allegedly rendered on February 25, 1994, February 28, 1994, March 18, 1994, March 28, 1994, March 30, 1994 and April 1, 1994. Said professional services were not actually rendered.

12. Licensee falsified the patient record of C.H., indicating that he had performed service on February 25, 1994 and March 2, 1994, which he had not in fact performed.

13. Licensee billed patient C.H.'s insurance carrier for services on February 25, 1994 and March 2, 1994, which services were not actually rendered.

14. Licensee received compensation from C.H.'s insurance carrier for claims submitted by Licensee for professional services allegedly rendered on February 25, 1994 and March 2, 1994. Said professional services were not actually rendered.

15. From August 1994 through January 1995, while Licensee was part owner of the Kansas Neurological Testing Center, Licensee referred patients to the Kansas Neurological Testing Center without notifying the patients that he was part owner of said business.

16. Licensee deliberately provided the Board's medical investigator with false or misleading information both orally and in writing, and failed to provide information legally requested by the investigator.

17. On or about July 16, 1996, Petitioner served by certified mail and first class mail a copy of a Petition to Revoke, Suspend or Otherwise Limit License. The petition was sent to Licensee's last known address at 2436 West Douglas, Wichita, Kansas 67203. A signed return receipt for certified mail was received on July 18, 1996. On or about August 8, 1996, Petitioner serviced by certified mail and first class mail a copy of the same Petition to Revoke, Suspend or Otherwise Limit License. The petition was sent to 6483 Burgundy Drive, Littleton, Colorado 80123. The certified mail was returned to the Board on September 3, 1996 as "unclaimed."

18. By Order dated August 21, 1996, the Board appointed Jeannette Bertelson of Topeka, Kansas, as presiding officer to conduct proceedings based on the petition served upon Licensee.

19. On October 18, 1996, the presiding officer serviced upon Petitioner and Licensee a copy of the Notice of Prehearing Conference and a Prehearing Conference Questionnaire by first class mail in accordance with K.S.A. 77-531, and also by certified mail. The prehearing conference was scheduled for Monday, November 4, 1996 at 9:30 a.m. The conference was to be conducted by telephone with the call originating from the offices of the Board. Licensee was directed to notify the Board in writing via certified mail no later than October 30, 1996 of a current phone number where he could be reached for purposes of the prehearing conference.

20. Board records list the current telephone number for Licensee as (316) 942-4499.

21. On November 1, 1996, Associate Counsel for the Board, Lori Miskel McNett, attempted to verify Licensee's phone number by dialing the number indicated in Board records. A

recorded message was received informing the caller that the number dialed had been disconnected or is no longer in service.

22. Licensee has not informed the Board of any changes in telephone number or address, nor did Licensee contact the Board by October 30, 1996 with a telephone number for the purpose of this Pre-Hearing Conference.

23. On November 4, 1996, the Board moved that Licensee be held in default in accordance with the provisions of K.S.A. 1995 Supp. 77-520, and that written notice of a Proposed Default Order be served upon Licensee, which motion was sustained. The motion and the Proposed Default Order were served on Licensee the same date. No response by Licensee was received within the prescribed period.

24. On December 4, 1996, the Presiding Officer conducted further proceedings necessary to complete the adjudication of this matter.

25. Licensee failed to appear in person or through counsel and has failed to participate in this matter.

#### CONCLUSIONS OF LAW AND NOTICE REGARDING RELIEF

1. Pursuant to K.S.A. 65-2838, these proceedings are governed by the Kansas Administrative Procedure Act, K.S.A. 77-501 et seq.

2. The Board provided full and proper notice to Licensee of all proceedings in this matter in accordance with the Kansas Administrative Procedure Act.

3. Licensee has an affirmative duty to inform the Board of any changes in Licensee business or residential address or telephone number.

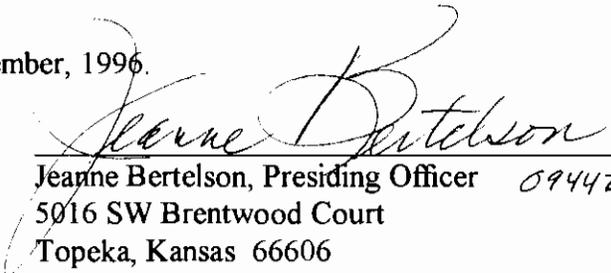
4. Licensee is in default in these proceedings and under the provisions of K.S.A. 77-520 any further proceedings necessary to complete the adjudication and determine all issues may be conducted without further notice to or participation of Licensee.

5. Based upon the totality of Licensee's failure to participate in this matter and the evidence proffered by the Board, Licensee's license to practice chiropractic in the State of Kansas is hereby revoked.

6. This is an Initial Order issued by the Presiding Officer pursuant to K.S.A. 77-526(b) and shall become a Final Order unless reviewed in accordance with K.S.A. 77-527. K.S.A. 77-527(a) provides that any party to an administrative hearing may request review of an Initial Order by an agency head as that term is defined in K.S.A. 77-502(b). A Petition for Review of Initial Order must be filed with the agency head within 15 days after service of this Initial Order. This Initial Order shall become effective as a Final Order thirty (30) days after service of this Initial Order is no party has filed a Petition for Review, the agency head has not given written notice of its intention to exercise review, and a final determination by the agency head is not otherwise required by law. Additionally, K.S.A. 77-612 provides that judicial review of a final administrative action may be obtained only after a party seeking judicial review has exhausted all available administrative remedies.

**IT IS SO ORDERED.**

**DATED** this 4<sup>th</sup> day of December, 1996.

  
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Jeanne Bertelson, Presiding Officer 09442  
5016 SW Brentwood Court  
Topeka, Kansas 66606  
913/357-5010

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**INITIAL ORDER**  
**Keith K. Skinner, D.C.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Initial Order was mailed via certified/return receipt and first class mail, postage prepaid, on this 4<sup>th</sup> day of December, 1996, addressed to the following:

Keith K. Skinner, D.C.  
2436 W. Douglas  
Wichita, KS 67203

Keith K. Skinner, D.C.  
6483 Burgundy Drive  
Littleton, CO 80123

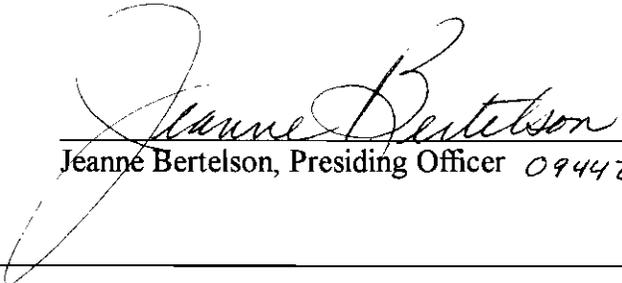
Keith K. Skinner, D.C.  
c/o Physician's Neurological Services  
1421 Pennsylvania, #26  
Denver, Colorado 80230

and a copy was hand-delivered to:

Lori Miskel McNett  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603-3068

and the original was hand-delivered to:

Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603-3068

  
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Jeanne Bertelson, Presiding Officer 09442

**INITIAL ORDER**  
**Keith K. Skinner, D.C.**