

CAB

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

KS State Board of Healing Arts

In the Matter of)
PATRICK SMITH, D.C.)
) KSBHA Docket No. 14-HA00119
Applicant for Kansas License)
_____)

FINAL ORDER GRANTING LICENSURE

NOW on this 13th day of June 2014, comes before the Kansas State Board of Healing Arts (“Board”) the application of Patrick Smith, D.C. (“Applicant”) for a license to practice chiropractic in the State of Kansas. Applicant appears in person and *pro se*. Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

1. On or about December 5, 2013, Applicant submitted an application to the Board for a license to practice chiropractic in the State of Kansas. Such application was complete and filed with the Board on March 17, 2014.
2. On March 18, 2014, Associate Litigation Counsel filed a Response In Opposition to Application for License to Practice Chiropractic (“Response”).
3. In the Response, Associate Litigation Counsel alleged that Applicant violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), in that Applicant engaged in

unprofessional conduct by using the terms “Dr.” or “Doctorate of Chiropractic” without being licensed to practice chiropractic in the State of Kansas in that such conduct is likely to mislead the public.

4. Further, it was alleged that Applicant violated K.S.A. 65-2836(b), as defined by K.S.A. 65-2837(b)(4), by the use of any letters, words or terms, as an affix, on stationary, in advertisements, or otherwise indicating that such person is entitled to practice a branch of the healing arts for which such person is not licensed.

5. The Board finds that Applicant was engaged in an educational preceptorship with Dr. Brian Schnitta, D.C. of Natural Way Chiropractic from June 2012 until his graduation on August 17, 2012.

6. The Board finds that Applicant continued to work at Natural Way Chiropractic from August 18, 2012 until July 2013 without being licensed in the State of Kansas to practice chiropractic.

7. The Board further finds that Applicant listed his job description/activities on his application for licensure as working at Natural Way Chiropractic from August 2012 to July 2013, as chiropractic assistant.

8. The Board finds that on or about December 7, 2012, Applicant was listed on the Natural Way Chiropractic website under “meet our staff” as “Dr. Patrick Smith.” The biography further stated, “As a Doctorate of Chiropractic, [I] am committed to promoting and preserving the health of our community through non-invasive chiropractic treatment. . .”

9. The Board further finds that from March 2013 through March 2014, on the Natural Way Chiropractic website, under testimonials, a patient referred to the staff and named Dr. Patrick.

10. K.S.A. 65-2867(d) states, “It shall not be considered a violation of the Kansas healing arts act if an unlicensed person appends to such person’s name the word ‘doctor’ or other letters. . . ‘D.C.’, if such person has earned such professional degree from an accredited healing arts school or college, and if the use of such word or initials is not misleading the public, patients or other health care providers that such person (1) is engaged in the practice of the healing arts within this state; (2) is licensed to practice the healing arts in this state.”

11. The Board concludes that as early as December 2012, Applicant represented himself to the public as “Dr. Patrick Smith,” while he was employed at Natural Way Chiropractic.

12. The Board further concludes that License’s representation was misleading to the public as evidenced by the patient testimonial which referred to Applicant as “Dr. Patrick.”

13. The Board concludes that Applicant violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12) for engaging in conduct likely to deceive the public.

14. The Board concludes that Applicant’s application for licensure should be granted subject to disciplinary action in the form of a public censure.


IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant is hereby **PUBLICLY CENSURED** for violating the Healing Arts Act.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant is hereby required to successfully complete the ProBe Ethics Course offered by The Center for Personalized Education for Physicians (“CPEP”), no later than December 31, 2014, at his own expense. Applicant shall provide written proof of successful

completion on or before January 30, 2015, to the attention of the Board's Compliance Coordinator at 800 SW Jackson, Lower Level – Suite A, Topeka, KS 66612.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant is hereby GRANTED a license to practice chiropractic in the State of Kansas.

IT IS SO ORDERED THIS 24th DAY OF JUNE, 2014, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Kathleen Selzer Lippert, Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within **30 days** following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER GRANTING LICENSE** was served on this 14th day of June, 2014, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

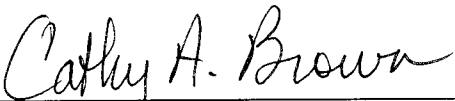
Patrick Smith, DC
11639 Cherry St.
Kansas City, MO 64131

And a copy was hand-delivered to:

Jessica Bryson, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State 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



Cathy Brown, Executive Assistant