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DEC 08 2009

KS State Board of Healing Arts

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

In the Matter of)
)
THOMAS R. TAYLOR, D.C.)
Kansas License No. 01-04300)

Docket No. 10-HA00087

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Stacy R. Bond, Associate Litigation Counsel (“Petitioner”), and Thomas R. Taylor, D.C. (“Licensee/Applicant”), *pro se*, and move the Board for approval of a Consent Order affecting Licensee/Applicant’s license to practice chiropractic in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee/Applicant's last known mailing address to the Board is: 3930 W. 199th Street, Stilwell, Kansas 66085.
2. Licensee/Applicant is or has been entitled to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-04300 on approximately August 12, 1995. Licensee/Applicant’s license was cancelled for failure to renew on June 30, 1987. On or about February 22, 2008, Licensee submitted to the Board an application for reinstatement in chiropractic. Such application was deemed complete on September 25, 2009.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of chiropractic. K.S.A. 65-2801 et seq. and K.S.A. 65-2871.

Consent Order
Thomas R. Taylor, D.C.

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 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/Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee/Applicant voluntarily and knowingly waives his right to a hearing. Licensee/Applicant 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/Applicant 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/Applicant 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 Licensee/Applicant has not been in the active practice chiropractic since December 31, 2004 and that Licensee/Applicant has not been engaged in a

formal educational program during the two years preceding the application for reinstatement. As a result, the Disciplinary Panel requested that Licensee/Applicant complete the Special Purpose Examination for Chiropractic (SPEC) establish the licensee's present ability to practice with reasonable skill and safety.

9.

(confidential)

10. Pursuant to K.S.A. 65-2809(e) Any person who has not been in the active practice of the branch of the healing arts for which reinstatement is sought or who has not been engaged in a formal educational program during the two years preceding the application for reinstatement may be required to complete such additional testing, training or education as the board may deem necessary to establish the licensee's present ability to practice with reasonable skill and safety.

11. According to K.S.A.65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

12. All pending investigation materials regarding Licensee/Applicant were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 23 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

13. In lieu of conducting a formal proceeding, Licensee/Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following limitations as a condition to being granted licensure to engage in the practice of chiropractic:

PROBATION: LIMITATIONS

- a. Licensee shall not practice chiropractic unless he complies with each of the following:
- b. Licensee agrees to have a Board approved practice monitor, who is another Kansas-licensed chiropractor, to review the practices and procedures of Licensee's office to ensure compliance with community and ethical standards. Licensee shall bear all expenses associated with the practice monitor. This monitor may be either an outside monitor or a partner monitor.
- c. Licensee/Applicant shall submit the curriculum vitae of a proposed practice monitor and a plan of supervised practice for approval to the Board.
- d. Licensee/Applicant shall not practice chiropractic until his proposed practice monitor and plan of supervised practice is approved by the Board or the Board's designee.
- e. The Board, or the Board's designee, shall approve or disapprove of the monitoring chiropractor. Upon such approval, the parties shall determine a schedule under which the monitor shall periodically review Licensee's office procedures three (3) times over a period of six (6) months and shall

provide a written report each time to the Board regarding the review and any recommendations for Licensee's practice. Said reports are due to the Board twenty (20) days following each review completed. Licensee agrees to follow all recommendations of the practice monitor and is responsible for ensuring timely submission of the practice monitor's reports.

- f. The Board designates Terry Webb, D.C. to review and approve/disapprove of the proposed practice supervisor and plan of supervised practice.
- g. All reports required pursuant to this Consent Order shall be submitted to the Board of Healing Arts, Attention: Complaint Coordinator, 235 S.W. Topeka Blvd., Topeka, Kansas 66603-3068.

PROBATION AND LIMITATION TIMEFRAME

- h. The above monitoring provisions and limitations are not self-terminating. After a period of six (6) months, Licensee/Applicant may request modification or termination of the provisions. For any period of time that Licensee/Applicant is not actively practicing chiropractic in Kansas, the monitoring provisions and limitations will remain in effect but will be tolled and not counted towards reducing the six (6) month timeframe.
14. Licensee/Applicant's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.

15. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 et seq., that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.
16. Licensee/Applicant 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 Act for Judicial Review and Civil Enforcement of Agency Actions, 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/Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee/Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.
17. Licensee/Applicant further understands and agrees that upon signature by Licensee/Applicant, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.

18. 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.
19. Licensee/Applicant 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/Applicant is not present. Licensee /Applicant 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.
20. Licensee/Applicant, 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.
21. Licensee/Applicant acknowledges that he has read this Consent Order and fully understands the contents.
22. Licensee/Applicant acknowledges that this Consent Order has been entered into freely and voluntarily.
23. All correspondence or communication between Licensee/Applicant and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas

State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd.,
Topeka, Kansas 66603-3068.

24. Licensee/Applicant shall obey all federal, state and local laws and rules governing the practice 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.
25. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an 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.
26. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee/Applicant.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that upon meeting all technical requirements for licensure, Applicant shall be granted a license.

IT IS FURTHER ORDERED that:

PROBATION: LIMITATIONS

- a. Licensee shall not practice chiropractic unless he complies with each of the following:

- b. Licensee agrees to have a Board approved practice monitor, who is another Kansas-licensed chiropractor, to review the practices and procedures of Licensee's office to ensure compliance with community and ethical standards. Licensee shall bear all expenses associated with the practice monitor. This monitor may be either an outside monitor or a partner monitor.
- c. Licensee/Applicant shall submit the curriculum vitae of a proposed practice monitor and a plan of supervised practice for approval to the Board.
- d. Licensee/Applicant shall not practice chiropractic until his proposed practice monitor and plan of supervised practice is approved by the Board or the Board's designee.
- e. The Board, or the Board's designee, shall approve or disapprove of the monitoring chiropractor. Upon such approval, the parties shall determine a schedule under which the monitor shall periodically review Licensee's office procedures three (3) times over a period of six (6) months and shall provide a written report each time to the Board regarding the review and any recommendations for Licensee's practice. Said reports are due to the Board twenty (20) days following each review completed. Licensee agrees to follow all recommendations of the practice monitor and is responsible for ensuring timely submission of the practice monitor's reports.

- f. The Board designates Terry Webb D.C. to review and approve/disapprove of the proposed practice supervisor and plan of supervised practice.
- g. All reports required pursuant to this Consent Order shall be submitted to the Board of Healing Arts, Attention: Complaint Coordinator, 235 S.W. Topeka Blvd., Topeka, Kansas 66603-3068.

PROBATION AND LIMITATION TIMEFRAME

- h. The above monitoring provisions and limitations are not self-terminating. After a period of six (6) months, Licensee/Applicant may request modification or termination of the provisions. For any period of time that Licensee/Applicant is not actively practicing chiropractic in Kansas, the monitoring provisions and limitations will remain in effect but will be tolled and not counted towards reducing the six (6) month timeframe.

IT IS SO ORDERED on this 9th day of December, 2009.

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

Kathleen Selzler Lippert

~~Jack Confer~~ *Kathleen Selzler Lippert*
Interim Executive Director


12/9/09
Date

TR Taylor, D.C.
Thomas R. Taylor, D.C.
Licensee

TRT
11-13-2009

Date 11-13-2009 (TP)

PREPARED AND APPROVED BY:



Stacy R. Bond #17673
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
785-296-3268

STACY:

Proposed practice supervisor: DR. RICHARD THOMAS D.C.
CCC-KC STAFF

DR TAYLOR.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 9th day of December, 2009, to the following:

Thomas R. Taylor, D.C.
Licensee
3930 W. 199th Street
Stilwell, Kansas 66085

And the original was hand-filed with:

Interim ~~Jack Confer~~ *Kathleen Selzer Lipfert*
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And a copy was hand-delivered to:

Stacy R. Bond
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Melissa Massey
Compliance Coordinator
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Cathy A. Brown
