

EFFECTIVE AS A FINAL ORDER

DATE: 12/4/19

FILED
NOV 14 2019

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

KS State Board of Healing Arts

In the Matter of

Israel Villegas, D.C.
Kansas License No. 01-04020

Docket No. 20-HA 00034

SUMMARY ORDER

NOW ON THIS 14 day of November, 2019, this matter comes before Tucker Poling, Interim Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537. Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no request for hearing is made within fifteen (15) days of service. 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. Israel Villegas, D.C. ("Licensee") was originally issued license number 01-04020 to practice chiropractic in the state of Kansas on or about June 15, 1990. Licensee's current license designation is active, and such license was last renewed on or about January 29, 2019.
2. Licensee's last known mailing address as provided to the Board is **CONFIDENTIAL**. Licensee's e-mail address as provided to the Board is **CONFIDENTIAL**.
3. During all times relevant to the facts set forth in this Summary Order, Licensee held an active license to practice chiropractic in Kansas.
4. On May 15, 2019, the Board requested Licensee to provide proof of compliance with the Kansas Healthcare Stabilization Fund ("KHCSF"), as required by K.S.A. 40-3404. The Board

included instructions for how to contact KHCSF. Licensee was also requested to provide proof of Continuing Medical Education (“CME”) requirements. Licensee was warned failure to provide proof of compliance may result in a fine or suspension of Licensee’s license to practice chiropractic in Kansas.

5. On June 14, 2019, the Board sent a second notice to Licensee requesting him to provide proof of compliance with the KHCSF and CME requirements.
6. On or about July 31, 2019, another search of the KHCSF showed Licensee was still not fund compliant.
7. On or about September 9, 2019, Board staff requested Licensee provide proof of compliance with KHCSF, with instructions on how to submit the proper forms for compliance. The deadline to submit the requested information was September 23, 2019. The September 9, 2019 correspondence was sent to Licensee’s two mailing addresses of record with the Board as well as to his Board listed email address.
8. On or about September 16, 2019, the Board received a certification of compliance from the KHCSF showing compliance with the fund for the dates of 06/11/2019 to 06/11/2020.
9. Licensee failed to provide proof of compliance from approximately August 2016 to June 11, 2019.

Applicable Law

1. Pursuant to K.S.A. 65-2809(c), “(c) The board, prior to renewal of a license, shall require an active licensee to submit to the board evidence satisfactory to the board that the licensee is maintaining a policy of professional liability insurance as required by K.S.A. 40-3402, and amendments thereto, and has paid the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.”

2. Pursuant to K.S.A. 65-2836, “A licensee’s license may be revoked, suspended or limited, or the licensee may be publicly or privately censured . . . upon a finding of the existence of any of the following grounds:
 - (y) The licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.
 - (z) The licensee has failed to pay the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.”
3. Pursuant to K.S.A. 65-2863(a), “The state board of healing arts... may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the Kansas healing arts act in an amount not to exceed \$5,000 for the first violation...”

Conclusions of Law

1. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
2. Based on the facts and circumstances set forth herein, 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.
3. The Board finds Licensee violated K.S.A. 65-2836(y) by failing to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.
4. The Board finds Licensee violated K.S.A. 65-2836(z) by failing to pay the HCSF premium surcharges as required by K.S.A. 40-3404, and amendments thereto, from approximately

August 2016 to June 11, 2019.

IT IS HEREBY ORDERED that Licensee is **PUBLICLY CENSURED** and is assessed a **CIVIL FINE** in the amount of \$500.00 for violation of the Kansas Healing Arts Act. Such fine shall be paid to the "Kansas State Board of Healing Arts", in full, on or before January 3, 2020.

All monetary payments, which shall be in the form of check or money order, relating to this Summary Order shall be mailed to the Board certified and addressed to:

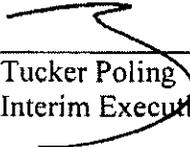
Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, Kansas 66612

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 14th day of November, 2019.

**KANSAS STATE BOARD
OF HEALING ARTS**

1



Tucker Poling
Interim Executive Director

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. 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 Tucker L. Poling, Interim Executive Director, Kansas 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 copy of the foregoing **FINAL ORDER** was served this 4th day of December 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Israel Villegas, DC
CONFIDENTIAL

Licensee

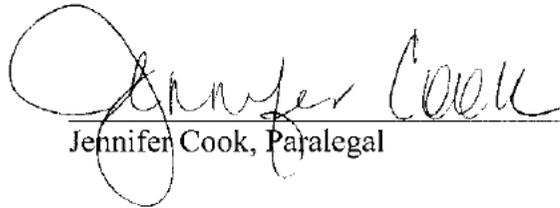
And a copy was hand-delivered to:

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

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
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.



Jennifer Cook, Paralegal