

**FILED**

CAD

DEC 16 2010

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

**KS State Board of Healing Arts**

In the Matter of )  
 )  
James A. Walsh, D.C. )  
Application for Change of Status )

Docket No. 11-HA 00048

**CONSENT ORDER**

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

1. Licensee's last known mailing address to the Board is: (confidential)  
Topeka, Kansas 66609.
2. Licensee is or has been entitled to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-04788 on approximately June 1, 2002. Licensee's license is currently exempt and he is requesting his license status be changed to active.
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.
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

Consent Order  
James A. Walsh, D.C.

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 agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee 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 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 specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
8. Licensee's license was last active December 2008, at that time Licensee changed the status of his license to exempt.
9. On February 17, 2010, Licensee submitted a request for change of status from exempt to active, such application was deemed complete on November 23, 2010.
10. Licensee disclosed in his application for status change that he has not been engaged in the active practice of the healing arts since December 2008. Applicant

also acknowledged that he had not been engaged in a formal educational program during the two years preceding his application for status change.

Licensee has been conducting administrative work at Aspire Rehab since he changed his license status to exempt.

11. Licensee provided information with his application that he obtained 16 hours of Category I hours of CME in 2009 and 91 hours of Category 1 hours of CME in 2010.
12. Licensee is planning to re-enter practice work at Aspire Rehab where he previously practiced the healing arts and recently conducted administrative work. Dan Tangpricha, D.C. has agreed to act as practice monitor for Licensee as he re-enters practice. Dr. Tangpricha has also been approved by DP #25 to act as Licensee's practice monitor.
13. 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 proceeding 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/Applicant's present ability to practice with reasonable skill and safety.
14. 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.
15. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel.

Disciplinary Panel No. 25 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

16. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following as a condition to being granted status change from exempt licensure to active licensure to engage in the practice of chiropractic:

#### **PRACTICE MONITORING**

- a. Licensee agrees to have a Board approved practice monitor, to review the practices and procedures of Licensee's practice to ensure compliance with community and ethical standards. Licensee shall bear all expenses associated with the practice monitor.
- b. Dan Tangpricha, D.C. has been proposed by Licensee as the practice monitor. Dan Tangpricha, D.C. has been approved by Disciplinary Panel #25 as an appropriate practice monitor.
- c. The practice supervisor shall submit monthly reports (due on the 15<sup>th</sup> of every month) to the Board on a form provided by Board staff. Such reports shall include a summary of whether Licensee is seeing patients, documenting in the medical record, and prescribing medications in an appropriate and timely manner. Licensee agrees to follow all recommendations of practice monitor and is responsible for timely submission of the practice monitor's reports.
- d. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall

---

Consent Order  
James A. Walsh, D.C.

provide the above information in writing to the Board within ten (10) days of any such change.

- e. 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.

#### **TIMEFRAME**

- f. The above monitoring provisions and limitations are not self-terminating. After a period of six (6) months, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing medicine and surgery 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.

17. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice chiropractic in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the

Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

18. 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.
19. Licensee 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 has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.
20. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.

21. 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.
22. Licensee 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 is not present. Licensee 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.
23. Licensee, 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.
24. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
25. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
26. All correspondence or communication between Licensee 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.

27. Licensee 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.
28. 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.
29. This Consent Order constitutes non-disciplinary action.
30. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
31. Licensee understands that a temporary status change from exempt to active shall be effective based upon Licensee's signing this Consent Order and abiding by the terms of this Consent Order. Licensee further understands that the temporary status change is only effective until a conference hearing is held by the Board on ratification of this Consent Order and that if the Board fails to ratify this Consent Order, the temporary status change shall immediately expire at the conclusion such hearing. If the Board ratifies this Consent Order, Licensee shall be issued a permanent status change from exempt to active under the terms of this Consent Order.



**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 status change from exempt to active.

**IT IS FURTHER ORDERED** that:

**PRACTICE MONITORING**

- a. Licensee agrees to have a Board approved practice monitor, to review the practices and procedures of Licensee's practice to ensure compliance with community and ethical standards. Licensee shall bear all expenses associated with the practice monitor.
- b. Dan Tangpricha, D.C. has been proposed by Licensee as the practice monitor. Dan Tangpricha, D.C. has been approved by Disciplinary Panel #25 as an appropriate practice monitor.
- c. The practice supervisor shall submit monthly reports (due on the 15<sup>th</sup> of every month) to the Board on a form provided by Board staff. Such reports shall include a summary of whether Licensee is seeing patients, documenting in the medical record, and prescribing medications in an appropriate and timely manner. Licensee agrees to follow all recommendations of practice monitor and is responsible for timely submission of the practice monitor's reports.
- d. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall

provide the above information in writing to the Board within ten (10) days of any such change.


- e. 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.

**TIMEFRAME**

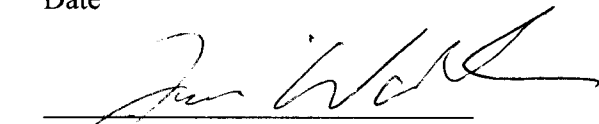
- f. The above monitoring provisions and limitations are not self-terminating. After a period of six (6) months, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing chiropractic in Kansas, the monitoring provisions and limitations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

**IT IS SO ORDERED** on this 9 day of Dec, 2010.

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

  
Kathleen Selzer Lippert  
Executive Director

12/9/10  
Date

  
James A. Walsh, D.C.  
Licensee

\_\_\_\_\_  
Date

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

**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 16<sup>th</sup> day of December, 2010, to the following:

James A. Walsh, D.C.  
Licensee  
(confidential)  
Topeka, Kansas 66609

And the original was hand-filed with:

Kathleen Selzler Lippert  
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

Katy Lenahan  
Licensing Administrator  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068



Cathy A. Brown

---

Consent Order  
James A. Walsh, D.C.