

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

KS State Board of Healing Arts

In the Matter of)
James Walsh, D.C.)
)
Kansas License No. 01-04788)
_____)

KSBHA Docket No. 11-HA00048

**FINAL ORDER DENYING REQUEST FOR TERMINATION
OF PRACTICE MONITORING AND ORDER FOR
CONTINUATION OF PRACTICE MONITORING**

NOW on this 2nd day of December 2011, comes before the Kansas State Board of Healing Arts ("Board") the request of James Walsh, D.C. ("Licensee") for termination of the practice monitoring requirements contained in the Consent Order filed December 16, 2010. Licensee appears *pro se*. Stacy Bond, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to Board by 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 file, 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. James Walsh, D.C. ("Licensee"), is licensed to engage in the practice of chiropractic in the State of Kansas, License No. 01-04788, and has been so licensed since approximately June 1, 2002.

2. On or about December 16, 2010, Licensee entered into a Consent Order with the Board, based upon the fact that Licensee had applied for an active license to practice chiropractic in Kansas, but had not actively practiced chiropractic since December 2008. Licensee further

acknowledged that he had not been in engaged in a formal educational program during the two years preceding his application. Under the terms of the Consent Order, the Board approved Licensee's request for an active license to practice chiropractic in Kansas, but required Licensee to have his practice monitored for a period of at least six (6) months.

3. Since entering into the Consent Order, Licensee has practiced chiropractic at Aspire Rehab.

4. Dan Tangpricha, D.C., of Aspire Rehab, monitored Licensee's practice of chiropractic from approximately February through September, 2011, and has submitted seven (7) monthly reports regarding Licensee's practice of chiropractic to the Board. Board Exhibit 2 through Board Exhibit 8 are the practice monitoring reports received from Dr. Tangpricha.

5. On or about October 24, 2011, Licensee filed a written request to the Board seeking termination of the practice monitoring requirements imposed by the Consent Order.

6. Upon review of the monthly practice monitoring reports, the Board finds that for several months, an insufficient number of patient charts were reviewed and the often the same patients were reviewed within the same month.

7. The Board finds that the practice monitoring reports are inadequate to determine whether Licensee has the ability to practice with reasonable skill and safety and that as such, the practice monitoring should continue for at least six (6) more months.

8. Based upon evidence presented at the conference hearing in this matter that Dr. Tangpricha is an employee of Licensee, the Board further finds that a new practice monitor who is not affiliated with any business owned by Licensee should perform the continued monitoring of Licensee's practice.

9. The Board finds that based upon the concerns identified, a portion of the practice monitoring should include reports for individual patients.

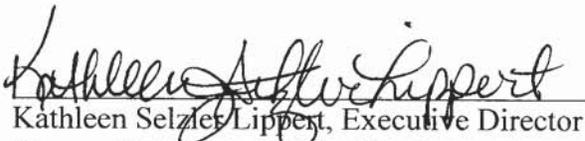
IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's request for termination of the practice monitoring requirement contained in the Consent Order filed December 16, 2010, is hereby DENIED.

IT IS FURTHER ORDERED that the practice monitoring imposed by the Consent Order filed in this matter on December 16, 2010, shall continue for at least another six (6) months from the effective date of this Final Order.

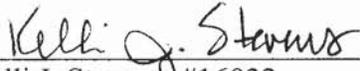
IT IS FURTHER ORDERED that on or before January 15, 2012, Licensee shall propose a new practice monitor who shall be a Kansas-licensed chiropractor that is not affiliated with any business owned by Licensee. On behalf of the Disciplinary Panel, Terry Webb, D.C., is hereby appointed to approve or disapprove of the practice monitor. If, after a good faith effort, the parties are not able to agree on a proposed practice monitor, either party may request a hearing before the full board to evaluate any proposed practice monitors.

IT IS FURTHER ORDERED that Licensee shall have the patient records of at least ten (10) patients or ten percent (10%) of the total number of patients, whichever is greater, reviewed by the practice monitor each month. Licensee shall have the practice monitor prepare an individual report for at least three (3) patient records each month.

IT IS SO ORDERED THIS 29th **DAY OF** Dec, 2011, **IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**


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

Prepared and Approved by:


Kelli J. Stevens, #16032
General Counsel

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, the Board's Executive Director, at 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** was served this 29th day of December, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

James Walsh, D.C.
confidential
Topeka, Kansas 66609

And a copy was hand-delivered to:

Stacy R. Bond, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Melissa Massey, Compliance Coordinator
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:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant