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KS State Board of Healing Arts

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

In the Matter of

**KARL WEATHERHEAD, D.C.**  
Kansas License No. 01-03908

Docket No. 11-HA 00029

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts ("Board") by and through Julia A. Mowers, Associate Litigation Counsel ("Petitioner"), and Karl Weatherhead, 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 current mailing address as provided to the Board is (confidential)  
(confidential) Wichita, Kansas 67209.
2. Licensee is or has been entitled to actively engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-03908 on approximately June 17, 1988. Licensee currently holds an active current license, having last renewed his license on or about December 23, 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.*

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. 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 this case.

6. Licensee agrees that, in considering this matter, the Board is not beyond its jurisdiction as provided by law.

7. 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.

8. 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.

9. At all relevant times hereto, Licensee has held an active current license to practice chiropractic in the State of Kansas.

10. The investigative information and status of the pending action in this matter were fully reviewed and considered by the Board members who served on Disciplinary Panel No. 25. Disciplinary Panel No. 25 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

11. The Board has received information and investigated the same, and has reason to believe that there may be grounds (confidential) (confidential) to take action with respect to Licensee's license under the Healing Arts Act, K.S.A. 65-2801, *et seq.*

12. A protective order is hereby entered to protect all confidential information (confidential)

13. Pursuant to K.S.A. 65-2836 the Board may revoke, suspend, censure, place under probationary conditions, impose a fine or otherwise limit Licensee's license for the violations of the healing arts act.

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

15. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following non-disciplinary action with respect to his license to engage in the practice of chiropractic as follows:

a. (confidential)

b.

c.

d.

(confidential)

e.

f.

g.

(confidential)

h.

- i. The above monitoring provisions and limitations are not self-terminating. After a period of three (3) years, 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 will remain in effect, but will be tolled and not counted towards reducing the three (3) year timeframe.

j. 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.

19. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

20. 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. 65-4921 *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.

21. Licensee hereby releases the Board, its employees and agents, from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board 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 Board, its employees or agents, arising out of acts leading to the execution of this Consent Order or the content of this Consent Order.

22. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record, and shall be reported by the Board to any reporting entities authorized to receive disclosure of this Consent Order.

23. 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.

24. 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.

25. Licensee by signature to this document, waives any objection to the participation of the Board members, or 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 proceeding 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.

26. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

27. All correspondence or communication between Licensee and the Board relating to the probationary terms contained in this Consent Order shall be by certified

mail addressed to the Kansas Board of Healing Arts, **Attn: COMPLIANCE COORDINATOR**, 235 S. Topeka Boulevard., Topeka, Kansas 66603.

28. 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. Any violation will also be considered a violation of this Consent Order and may subject Licensee to further disciplinary action by the Board.

29. 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.

30. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board, and is the Order of the Board.

**IT IS FUTHER ORDERED** that Licensee's license is hereby subject to the following non-disciplinary action commencing upon the filing of this Consent Order with the Board as follows:

a.

(confidential)

b.

c.

d.

(confidential)

e.

f.

g.

(confidential)

h.

i. The above monitoring provisions and limitations are not self-terminating. After a period of three (3) years, 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 will remain in effect, but will be tolled and not counted towards reducing the three (3) year timeframe.

j. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers.

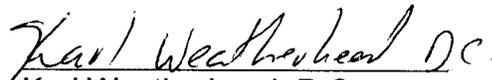
Licensee shall provide the above information in writing to the Board  
within ten (10) days of any such change.

**IT IS SO ORDERED.**

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

  
Kathleen Selzler Lippert  
Executive Director

9/1/10  
Date

  
Karl Weatherhead, D.C.  
Licensee

7/10/2010  
Date

**PREPARED AND APPROVED BY:**

  
Julia A. Mowers, #23741  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603  
(785) 296-8022

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing **CONSENT ORDER** was served this 1<sup>st</sup> day of September, 2010, via United States mail, first class, postage prepaid, and addressed to the following:

Karl Weatherhead, .D.C.  
(confidential)  
Wichita, Kansas 67209

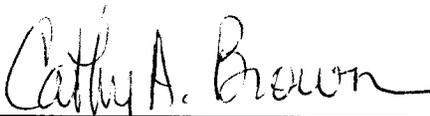
and a copy was hand-delivered to:

Julia A. Mowers  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603

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

and the original was filed with the office of:

Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603

  
Signature