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FEB 13 2018
KS State Board of Healing Arts

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

In the Matter of)
)
Christopher A. Weir, D.C.)
Kansas License No. 01-05411)

Docket No. 18-HA 00034

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Phoenix Z. Anshutz, Assistant Litigation Counsel, and Christopher A. Weir, D.C. ("Licensee"), by and through his counsel of record, Karen M. Virgillito of TIFEC, 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: 14310 Metcalf Ave. Ste. 120, Overland Park, Kansas 66223.

2. Licensee is or has been entitled to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-05411 on approximately June 9, 2011, and having last renewed such license on December 22, 2017. Licensee's license is currently 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. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

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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 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. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-2836(b), generally and as further defined by K.S.A. 65-2837(b)(7), K.S.A. 65-2837(b)(8), K.S.A. 65-2837(b)(12), and K.S.A. 65-2836(f) to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

9. The facts supporting the allegations in this Consent Order are as follows:

- a. On or about April 10, 2016, Licensee ran an advertisement in the Kansas City Star which stated, "Innovative Laser Therapy for Pain-Free Relief."

b. Additionally, on or about January 24, 2017 and February 15, 2017, Licensee's website, <http://weirhealth.com/>, advertised "Laser therapy is safe, pain free treatment that only takes a few minutes per visit...there are no side effects or risks that may occur with other forms of treatment."

c. Further, on or about February 15, 2017, Licensee's website advertised his services as "the very best."

10. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

11. Licensee's acts, if proven, constitute a violation under K.S.A. 65-2836(b), generally.

12. Licensee's acts, if proven, constitute a violation of K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(7), in that Licensee advertised professional superiority or the performance of a professional services in a superior manner.

13. Licensee's acts, if proven, constitute a violation of K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(8), in that Licensee advertised to guarantee any professional service or to perform any operation painlessly.

14. Licensee's acts, if proven, constitute a violation of K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), in that his conduct is likely to deceive, defraud or harm the public.

15. Licensee's acts, if proven, constitute a violation of K.S.A. 65-2836(f), in that he has willfully or repeatedly violated the Kansas Healing Arts Act.

16. Pursuant to K.S.A.65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's license, and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.

17. According to K.S.A. 65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

18. All pending investigation materials in KSBHA Investigative Case Number 16-00584 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 32 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

19. 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 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.*

20. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas 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 Kansas Healing Arts Act.

21. 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 Judicial Review Act, 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.

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

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

27. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

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.

29. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final Order under K.S.A. 77-505. 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. This Consent Order constitutes **public disciplinary action**.

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

32. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following public disciplinary action against his license to engage in the practice of chiropractic:

FINE

33. Licensee agrees to pay a FINE in the amount of SEVEN HUNDRED FIFTY DOLLARS AND ZERO CENTS, (\$750.00), on or before May 1, 2018.

34. Such fine shall be paid in the form of a Cashier's Check or Money Order to the "Kansas State Board of Healing Arts" in full on or before the modification and/or termination of this Consent Order.

35. All monetary payments to the Board relating to this Consent Order shall be mailed to the Board by certified mail addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

EDUCATION: ADVERTISING COURSE

36. Licensee shall attend and successfully complete a total of eight (8) hours of board approved continuing education with an emphasis in ethical advertising.

37. On or before May 1, 2018, Licensee must propose a course(s) that will be reviewed and subject to approval by the Disciplinary Panel member prior to taking the course(s).

a. On January 2, 2018, Licensee proposed the following courses: "Legal and Regulatory Issues Associated with Healthcare Marketing" and "Understanding the legalities of fee discounts, particularly time-of-service discounts and hardship discounts." Both courses are offered online through "OnlineCE."

b. Both courses have been approved by the Disciplinary Panel's Appointed Member.

38. On or before May 1, 2018, Licensee shall notify the Compliance Coordinator in writing that Licensee has registered to attend the above-mentioned courses.

39. Licensee shall provide proof of successful completion of the courses within thirty (30) days of successfully completing them.

40. All costs associated with the course(s) shall be at Licensee's own expense to include, but not be limited to, the cost of the program, any cost of travel to and from the program, and the cost of accommodations while attending the program.

41. These hours shall be in addition to those continuing education hours required for renewal of licensure.

42. All documentation required under this Consent Order shall be submitted to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
KSBHA_compliancecoordinator@ks.gov

ESSAY

43. Licensee shall write and submit an essay to the Board; should the Board determine it appropriate, the essay may be made available for public dissemination.

44. The essay shall address and discuss the topics covered in the ethical advertising courses, and what Licensee learned from those courses.

45. The essay must be at least 400 words, 12-point font, and double spaced.

46. Licensee's essay will be subject to review by the Disciplinary Panel's Appointed Member.

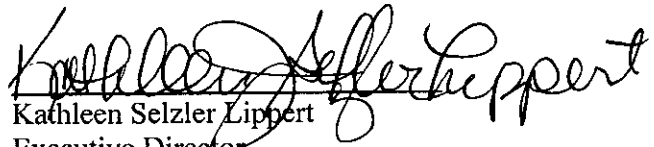
47. Licensee's essay must be received no later than thirty (30) days after successful completion of the ethical advertising courses and mailed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level Suite A
Topeka, Kansas 66612
KSBHA_compliancecoordinator@ks.gov

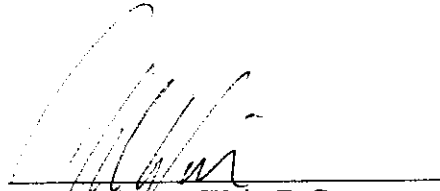
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 13 day of Feb, 2018.

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


Kathleen Selzler Lippert
Executive Director

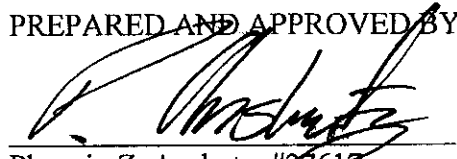
2/13/18
Date



Christopher A. Weir, D.C.
Licensee

1/8/18
Date

PREPARED AND APPROVED BY:



Phoenix Z. Anshutz, #27617
Associate Litigation Counsel
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Attorney for the Board



Karen M. Virgillito #18966
TIFEC
11150 Overbrook Suite 210
Leawood, Kansas 66211
Attorney for Licensee

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 13th day of Feb, 2018, to the following:

Christopher A. Weir, D.C.
Licensee
14310 Metcalf Ave. Ste. 120
Overland Park, Kansas 66223

Karen M. Virgillito
TIFEC
11150 Overbrook Suite 210
Leawood, Kansas 66211
Attorney for Licensee

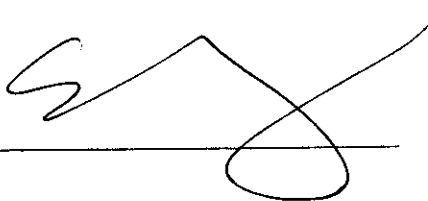
And the original was hand-filed with:

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

And a copy was hand-delivered to:

Phoenix Z. Anshutz
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson Ave, Lower Level Ste A
Topeka, Kansas 66612

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



A handwritten signature in black ink, appearing to be 'S. Anshutz', is written over a horizontal line.

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