

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

KS State Board of Healing Arts

In the Matter of	)	
Casey Worcester DC	)	Docket No. 08-HA <u>00156</u>
Kansas License No. 01-04912	)	
_____	)	

**CONSENT ORDER**

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through Dan Riley , Associate Counsel ("Petitioner"), and Casey Worcester, D.C., resident agent for Topeka Spine and Rehab L.L.C., by and through counsel Ben Swinnen and move the Board for approval of a Consent Order affecting Licensee's license to practice as a Doctor of Chiropractic in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known practice and mailing address to the Board is 3512 SW Fairlawn Road, Suite 200, Topeka, Kansas 66614.
2. Licensee is or has been entitled to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-04912 on August 18, 2004. Licensee currently holds an active license which was last renewed on December 31, 2007.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate 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 and 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 and/or to dispute or otherwise contest the allegations contained herein before the board. 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 by 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 received information, investigated the same and has reason to believe that the Licensee committed misrepresentation in advertisements of his professional services for the purpose of soliciting patronage. Specifically, licensee incorporated and utilized advertizing claims of the efficacy or value of the treatment of the DRX 9000, a spinal traction device

manufactured by Axiom Worldwide Inc., that were not supported by reliable fact based research .

9. Licensee maintains that the alleged advertising violations included no fraudulent intent, nor any knowingly false statement and were rectified promptly upon notice of the violations.

10. Licensee's acts, if proven, constitute unprofessional conduct pursuant to K.S.A. 65-2837(b), and are further defined as (b)(1)"Solicitation of professional patronage through the use of fraudulent or false advertisements".....; (b)(13) Making a false or misleading statement regarding the licensee's skill or the efficacy or value of the drug, treatment or remedy prescribed by the licensee or at the licensee's direction in the treatment of any disease or other condition of the body or mind".

11. Pursuant to K.S.A. 65-2836(b) the Board has authority to revoke, suspend or otherwise limit the licensee's license upon a finding of unprofessional conduct as further defined by K.S.A. 65-2836(d) and K.S.A. 65-2836(k).

12. Pursuant to K.S.A. 65-2838, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

13. In lieu of the conclusion of formal proceedings, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following:

**FINE**

Licensee agrees to pay a FINE of five-hundred dollars (\$500). Such fine is payable in full to the "Kansas Board of Healing Arts" on or before <sup>February 23</sup> ~~December 8~~, 2008.

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

15. Nothing in the 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.

16. Licensee hereby releases the Board, its individual members (in their official and personal capacities), 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 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 Releasees.

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

18. 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.

19. 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.

20. 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. Licensee 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.

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

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

23. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas State Board of Healing, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

24. Licensee shall obey all federal, state and local laws and rules governing the practice of the healing arts 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.

25. 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.

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

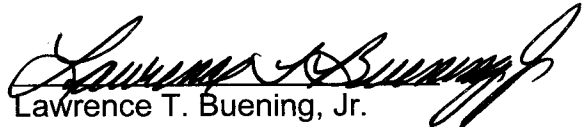
**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that:

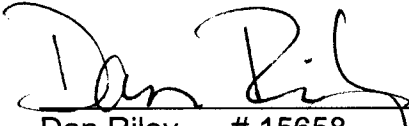
Licensee agrees to pay a FINE of five-hundred dollars (\$500). Such fine is payable in full to the "Kansas Board of Healing Arts" on or before ~~December 8,~~ <sup>FEBRUARY 23</sup> 2007.

IT IS SO ORDERED on this 25<sup>th</sup> day of February, 2008


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

  
Lawrence T. Buening, Jr.  
Executive Director

**PREPARED AND APPROVED BY:**

  
Dan Riley # 15658  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065  
(785) 296-7413

**AGREED TO BY:**

  
Casey Worcester D.C.  
Licensee

12-13-07  
Date



Ben Swinnen  
Attorney for Licensee

Date 12-13-07

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing CONSENT ORDER was served on the 26<sup>th</sup> day of February, 2008 by United States mail, first-class postage prepaid and addressed to:

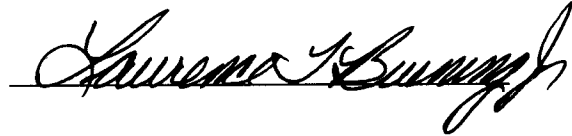
Casey Worcester D.C.  
Topeka Spine and Rehab  
3512 SW Fairlawn Road, Suite 200  
Topeka, Kansas 66614  
Ben Swinnen  
Ralston, Pope & Diehl  
2913 SW Maupin Lane  
Topeka, Kansas 66614

A copy was hand delivered to  
Dan Riley  
Board of Healing Arts

and the original was hand-delivered for filing to:



Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

A handwritten signature in black ink, reading "Lawrence T. Buening, Jr.", written over a horizontal line.