

**EFFECTIVE AS A
FINAL ORDER**

DATE: 11/9/15

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

FILED
OCT 08 2015
CRB
KS State Board of Healing Arts

In the Matter of)
Richard B. Connolly-Walker, D.C.)
)
Kansas License No. 01-05277)
_____)

KSBHA Docket No. 15-HA00091

INITIAL ORDER

A formal hearing was held September 18, 2015, at the Office of the Board of Healing Arts in Topeka, Kansas on a Motion to Modify Consent Order filed in this matter on April 27, 2015. Douglas Milfeld, M.D., was appointed by The Kansas State Board of Healing Arts (“Board”) as the Presiding Officer for this matter. The Board appeared by and through Jane E. Weiler, Associate Litigation Counsel. Petitioner, Richard B. Connolly-Walker, D.C. appeared in person and *pro se*.

Richard B. Connolly-Walker, D.C. testified on behalf of Petitioner. Testifying on behalf of Respondent were Seth Brackman and Dr. Connolly-Walker.

Findings of Fact and Conclusions of Law

1. On or about April 15, 2015, Dr. Connolly-Walker entered into a Consent Order with the Board to resolve issues and concerns regarding Dr. Connolly-Walker’s chiropractic practice and allegations of improper record keeping. These concerns included Dr. Connolly-Walker’s failure to adhere to the applicable standard of care in regards to his treatment of patients and his failure to properly document in the patient record all findings and treatments performed.
2. Dr. Connolly-Walker signed the proposed Consent Order on or about February 27, 2015. The Consent Order contained provisions in which Dr. Connolly-Walker expressly

acknowledged that he had read the Consent Order and fully understood the contents of such Consent Order and that Dr. Connolly-Walker acknowledged that he entered into the Consent Order freely and voluntarily.

3. The Consent Order imposed public discipline in the form of a public censure and required Dr. Connolly-Walker to successfully complete a record keeping course. Subsequent to attending the record keeping course, the Consent Order required Dr. Connolly-Walker to enter into and comply with all terms and conditions of a monitoring contract with Affiliated Monitors, Inc. ("AMI"). The purpose of the AMI monitoring contract was to provide on-site review of Dr. Connolly-Walker's chiropractic practice and record keeping.
4. The AMI contract was to include a review of a minimum of five (5) patient charts each month for a total of six (6) months. Two (2) quarterly reports were to be provided to the Board based upon the findings of the site visits.
5. In paragraph 88 of the Consent Order, Licensee expressly agreed that by signing the Consent Order he would be responsible for all costs and expenses associated with AMI monitoring.
6. On or about April 27, 2015, the Board received correspondence from Dr. Connolly-Walker requesting that the Consent Order be modified. Dr. Connolly-Walker expressed in the letter that his spouse had lost their job just prior to his signing the Consent Order and that the cost of AMI monitoring would be a financial hardship.
7. Seth Brackman testified that during his negotiations with Dr. Connolly-Walker, that he informed Dr. Connolly-Walker that the hourly rate of AMI was \$400. Mr. Brackman

- further testified that it was his usual practice to advise individuals who would potentially be monitored by AMI to contact AMI prior to entering into an agreement with the Board.
8. Under cross-examination, Dr. Connolly-Walker admitted that he had in fact had a conversation with Mr. Brackman in which Mr. Brackman advised him that the cost of AMI was approximately \$400 and that he needed to contact AMI prior to entering into the agreement.
 9. Dr. Connolly-Walker testified that his spouse lost their employment on February 12, 2015. In his request to modify the Consent Order, Dr. Connolly-Walker identified the loss of employment by his spouse as the sole reason he was not able to comply with the terms of the Consent Order. Dr. Connolly-Walker testified that at the time he signed the Consent Order and at the time the Consent Order was approved by the Board that his spouse was unemployed.
 10. During cross-examination, Dr. Connolly-Walker admitted that he appeared in person at the Board meeting of April 15, 2015 for the approval of the Consent Order. Dr. Connolly-Walker further admitted that at the hearing the Board inquired as to whether he had any questions or comments regarding the Consent Order before it was approved by the Board. Dr. Connolly-Walker testified that he did not make any comments or any inquiries of the Board prior to the Consent Order being approved.
 11. Dr. Connolly-Walker further testified that his spouse became employed approximately two weeks prior to this hearing.
 12. The Presiding Officer finds that Seth Brackman is a credible witness.
 13. The Presiding Officer finds that Dr. Connolly-Walker signed the Consent Order with full knowledge that his spouse was unemployed. Further the Presiding Officer finds that at

the time the Consent Order was approved by the Board, Dr. Connolly-Walker's spouse had been unemployed for approximately two months.

14. The Presiding Officer finds that Dr. Connolly-Walker had ample opportunity before and during the conference hearing on April 15, 2015, to further negotiate the terms of the Consent Order. That at no time prior to the approval of the Consent Order did Dr. Connolly-Walker indicate to either Mr. Brackman or the Board that he would be unable to comply with the terms of the Consent Order as written.

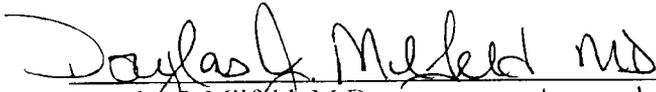
15. The Presiding Officer concludes that Dr. Connolly-Walker has not provided a compelling reason for this Board to modify the previously approved Consent Order which was negotiated between the parties.

16. The Presiding Officer concludes that the Consent Order approved by the Board on April 15, 2015 shall stand as written.

IT IS THEREFORE ORDERED, that Petitioner's Request to Modify Consent Order is hereby **DENIED**.

IT IS FURTHER ORDERED that Dr. Connolly-Walker shall within ten (10) days of receipt of this **Initial Order**, enter into and comply with all terms and conditions of a monitoring contract with Affiliated Monitors, Inc. ("AMI"), as set forth in paragraphs 82 through 89 of the Consent Order.

IT IS SO ORDERED THIS 8th **DAY OF OCTOBER, 2015, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**


Douglas J. Milfeld, M.D.
Presiding Officer

by SRB

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Initial Order
Richard B. Connolly-Walker, D.C.
KSBHA Docket No. 15-HA00091

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. 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, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 9th day of Nov., 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Richard B. Connolly-Walker, DC
8849 W. 95th Street
Overland Park, KS 66212

And a copy was hand-delivered to:

Jane Weiler, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Kelli Stevens, General Counsel
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 the Executive Director.



Cathy Brown, Executive Assistant