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CAB

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
WESLEY HARDEN, D.C.)
)
Kansas License No. 01-04589)
_____)

KSBHA Docket No. 14-HA00134

FINAL ORDER TERMINATING CONSENT ORDER REQUIREMENTS

NOW on this 11th day of December, 2015, comes before the Kansas State Board of Healing Arts (“Board”) the Motion for Termination of Monitoring Requirements filed by Wesley Harden, D.C. (“Licensee”). Licensee appears in person, and *pro se*. Jane Weiler, Associate Litigation Counsel, appears on behalf of the 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 agency record, hearing the statements and arguments of the parties, receiving exhibits into evidence, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is licensed to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-04589 on approximately February 13, 1999.
2. On April 29, 2014, Licensee entered into a Consent Order with the Board to resolve concerns regarding documentation deficiencies in Licensee’s patient records.
3. The Consent Order required Licensee to attend and successfully complete the in-person Medical Record Keeping Seminar offered by the Center for Personalized Education (“CPEP”).

4. On or about June 6, 2014, Licensee successfully completed the CPEP Medical Record Keeping Seminar.

5. The Consent Order also required the Licensee to enter into and comply with all terms and conditions of a monitoring contract with Affiliated Monitoring Inc. (“AMI”). The monitoring was not self-terminating. The required AMI monitoring included, in part: monthly visits for the term of the Consent Order; a review of patient charts and billing with a minimum of ten (10) random patient charts for each monitoring visit; monitoring reports to the Board due quarterly; responsibility for all costs and expenses associated with the AMI monitoring requirements; and permission to request modification or termination of monitoring provisions after one (1) year.

6. On June 11, 2014, Licensee entered into a monitoring contract with AMI.

7. On October 8, 2014, a quarterly monitoring report was submitted to the Board with no compliance issues identified.

8. AMI would not submit a quarterly monitoring report regarding Licensee’s compliance for monthly visits occurring October 21, 2014, November 18, 2014, and a December visit cancelled, due to Licensee’s failure to remit payment for the monitoring fees he owed to AMI.

9. On December 24, 2014, Licensee notified the Board that he planned to cease actively practicing chiropractic in the State of Kansas as of December 31, 2014, and would notify the Board when he planned to resume active practice.

10. On April 17, 2015, Licensee notified the Board that his monitoring fees were no longer in arrears and requested that he be permitted to travel to his AMI monitor’s location to reduce his monthly monitoring costs. This request was granted.

11. On or about April 21, 2015, Licensee submitted a request to the Board to modify the required AMI monitoring provisions in his Consent Order, reducing the frequency of visits to reduce Licensee's monetary burden.

12. On April 22, 2015, AMI submitted a second quarterly report indicating they had reviewed Licensee's patient records from December 2014 through April 18, 2015. No compliance issues were identified.

13. On June 12, 2015, the Board denied Licensee's Motion for Modification of Monitoring Requirements. The Board concluded that quarterly monitoring would not cover a sufficient amount of patient records to indicate consistent improvement or lack thereof in Licensee's patient record documentation.

14. On August 14, 2015, AMI submitted a third quarterly report. No compliance issues were identified.

15. On November 9, 2015, Licensee submitted to the Board a request to terminate the required AMI monitoring provisions contained in his April 2014 Consent Order.

16. On November 11, 2015, AMI submitted a fourth quarterly report. No compliance issues were identified.

17. On November 12, 2015, the Respondent Board filed a Response to Licensee's Request.

18. The Board concludes that the evidence presented demonstrates that Licensee has satisfied all terms and conditions of the AMI monitoring provisions within Consent Order.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's motion to terminate monitoring requirements imposed by the Consent Order is hereby GRANTED.

IT IS FURTHER ORDERED that Licensee shall have no further obligation for compliance under the terms of the Consent Order.

IT IS SO ORDERED THIS 11 DAY OF JANUARY, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


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

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, Executive Director, Kansas State 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 and correct copy of the foregoing **FINAL ORDER GRANTING TERMINATION OF CONSENT ORDER REQUIREMENTS** was served this 11th day of January, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Wesley Harden, DC
PO Box 131
Kingman, KS 67068

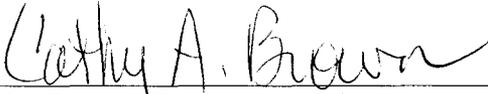
And a copy was delivered to:

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

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