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DEC 20 2013
KS State Board of Healing Arts
CAB

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

In the Matter of)
James A. Walsh, D.C.)
)
Kansas License No. 01-04788)
_____)

KSBHA Docket No. 11-HA00048

FINAL ORDER TERMINATING PRACTICE MONITORING

NOW on this 13th day of December 2013, comes before the Kansas State Board of Healing Arts ("Board") the request of James A. Walsh, D.C. ("Licensee") for termination of the practice monitoring requirement contained in the Consent Order filed on December 16, 2010. Licensee appears in person and through counsel, Mark Stafford. Jane Weiler, Associate Litigation Counsel, appears on behalf of the Respondent 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, and being otherwise 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. 01-04788.
2. On or about December 16, 2010, Licensee entered into a Consent Order with the Board due to Licensee's absence from the active practice of chiropractic since December 2008.
3. On March 18, 2011, the Board accepted and ratified the Consent Order.

4. Under the terms of the Consent Order, Licensee was required to have a Board-approved practice monitor for six (6) months. From approximately February through September 2011, seven (7) monthly practice monitoring reports were submitted to the Board by Licensee's monitor.

5. On or about October 24, 2011, Licensee filed a written request to the Board seeking termination of the practice monitoring requirements imposed by the Consent Order.

6. On or about December 2, 2011, the Board reviewed the monthly practice monitoring reports and found that the practice monitoring reports were insufficient to determine whether Licensee had the ability to practice with reasonable skill and safety and that as such, the practice monitoring requirements of the Consent Order should continue for at least six (6) months.

7. On or about January 10, 2012, the Board approved a new practice monitor to fulfill the practice monitoring requirements of the Consent Order.

8. From January 10, 2012 through August 15, 2012, practice monitoring reports were submitted to the Board by Licensee's monitor.

9. On or about November 13, 2013, Licensee submitted a request to the Board for termination of the practice monitoring requirement contained in the Consent Order.

10. On November 15, 2013, the Respondent Board filed a Response to Petition for Termination of Practice Monitoring and provided documentary evidence of Licensee's compliance with the monitoring requirements.

11. Based on the evidence and presented, the Board finds that Licensee has now satisfactorily met all requirements of the Consent Order and concludes that termination of the practice monitoring requirement is warranted.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that the practice monitoring imposed by the Consent Order filed on December 16, 2010, is hereby **TERMINATED**.

IT IS SO ORDERED THIS 19 DAY OF Dec, 2013, 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, at 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 above and foregoing **Final Order** was served this 20th day of December, 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

James A. Walsh, DC
3512 SW Fairlawn
Topeka, KS 66614

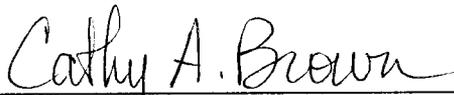
Mark Stafford
Attorney at Law
107 SW 6th Ave. Ste. 210
Topeka, KS 66603

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

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 the Executive Director.



Cathy Brown
Executive Assistant