

**EFFECTIVE AS A  
FINAL ORDER**

DATE: 9/8/2014

**FILED** *CAB*  
AUG 15 2014

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

KS State Board of Healing Arts

In the Matter of )  
 )  
Michael D. Riley, D.C. )  
Kansas License No. 01-04728 )  
\_\_\_\_\_ )

KSBHA Docket No. 15-HA 00024  
Investigation No. 10-00523

**SUMMARY ORDER**

NOW ON THIS 15<sup>th</sup> day of August, 2014, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

**Findings of Fact**

1. Michael D. Riley, D.C. ("Licensee") was originally issued license number 01-04728 to practice chiropractic in the state of Kansas on June 23, 2001. Licensee's current license designation is active, and such license was last renewed on or about January 1, 2014.

2. Licensee's last known mailing address to the Board is: 2302 E. 32nd Street, Joplin, Missouri, 64804.

3. In late 2009 and early 2010 Licensee solicited professional patronage by using a full page advertisement advertising that patients could "live pain free" with the Lite Cure Laser.

4. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board's Disciplinary Panel # 25. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

#### **Applicable Law**

K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(b) Licensee committed an act of unprofessional and/or dishonorable conduct and/or professional incompetency.

(d) Licensee has used fraudulent or false advertisements.

K.S.A. 65-2837(b) of the Kansas Healing Arts Act states in pertinent part:

(1) Licensee solicited professional patronage through the use of fraudulent or false advertisements.

#### **Conclusions of Law**

5. The Board finds that Licensee violated K.S.A. 65-2836(b) as defined by K.S.A. 65-2837(b)(1) and K.S.A. 65-2836(d) when he solicited professional patronage by inadvertently using false advertising for a "Lite Cure Laser" that can make you "Live Pain Free."

6. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

7. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a) in that the use of summary proceedings does not violate any provision of law and the protection of the

public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

**IT IS, THEREFORE, ORDERED** that Licensee is fined \$2,000.00 for his violation of K.S.A. 65-2836(b) as defined by K.S.A. 65-2837(b)(1) and K.S.A. 65-2836(d).

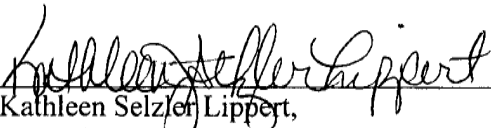
Licensee shall pay fine on or before October 1, 2014. The fine shall be directed to:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, KS 66612

**PLEASE TAKE NOTICE** that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 15 day of August, 2014.

**KANSAS STATE BOARD OF HEALING ARTS**

  
Kathleen Selzer Lippert,  
Executive Director

## **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 8<sup>th</sup> day of September, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Michael Riley, DC  
2302 E. 32<sup>nd</sup> St.  
Joplin, MO 64804

Charlie Stinson  
Duggan Shadwick Doerr & Kurlbaum L.L.C.  
11040 Oakmont  
Overland Park, KS 66210


And a copy was hand-delivered to:

Anne Barker Hall, 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

Office of the 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.

  
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Cathy Brown, Executive Assistant