

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

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

Docket No. 17-HA 00053

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Susan R. Gering, Associate Litigation Counsel ("Petitioner"), and Michael D. Riley, D.C. ("Licensee"), by and through his attorney, Blake H. Reeves of Polsinelli, PC, and move the Board for approval of a Consent Order affecting Licensee's license to practice chiropractic in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is: [REDACTED] Joplin, Missouri 64804.
2. Licensee is or has been entitled to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-04728 on approximately June 23, 2001, and having last renewed such license on December 29, 2016. Licensee's licensure status is currently active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of chiropractic. K.S.A. 65-2801 *et seq.* and K.S.A. 65-2871.
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. 77-505 and 65-2838. Upon approval, these stipulations shall

Consent Order
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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 the case. Licensee agrees 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. 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 between 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 has received information and investigated the same, and has reason to believe that there may be grounds to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*
9. The facts underlying these violations of the Kansas Healing Arts Act are:
 - a. Licensee is the sole owner of a business in Overland Park, Kansas called Renuva Health, LLC dba Renuva Back and Pain Center;

- b. Renuva Back and Pain Centers have multiple locations throughout the United States including locations in Arkansas, Kansas, Missouri, Nebraska, Oklahoma, and Texas;
- c. During the relevant timeframe involved in Investigation No. 15-00613, Licensee did not primarily or routinely practice at the clinic located in Overland Park, Kansas;
- d. Licensee's primary practice location was located at Renuva Back and Pain Center located in Springfield, Missouri;
- e. As of February 20, 2017, Licensee's primary, fulltime practice location changed to Renuva's Overland Park clinic;
- f. Renuva Back and Pain Centers website, <http://www.renuvacenters.com/>, holds Licensee out as "Dr. Michael Riley" and/or "Dr. Riley" in multiple places without appropriate words or letters to identify Licensee as a chiropractor for example:
 - i. "But, our Medical Director, Dr. Michael Riley . . .";
 - ii. "Dr. Michael Riley founded Renuva Back and Pain Centers as a comprehensive **non-surgical and drug-free approach** for people just like you that addresses the cause of your pain and cure the cause of pain" (emphasis in original) and/or;
 - iii. "Now, with success in thousands of patients, Dr. Riley is training doctors on his Renuva treatment protocols to help patients around the country."

g. Further in the website's section titled "Frequently Asked Questions" it stated the following:

i. "Is this Chiropractic care? Yes, our Doctor is a Chiropractor and back pain specialist."

h. Licensee is a chiropractor who is required to use the appropriate words or letters to identify Licensee as a licensed chiropractor;

10. Licensee has had two (2) previous Board Orders:

a. Docket No. 07-HA00046 Licensee entered into a Consent Order with the Board in which he admitted to advertising violations of the Kansas Healing Arts Act and completed a record keeping course and paid a fine;

b. Docket No. 15-HA00024 was a Summary Order involving Licensee's record keeping violations of the Kansas Healing Arts Act. Licensee paid a fine.

11. Licensee acknowledges that, if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

12. Licensee's acts, if proven, constitute unprofessional conduct and/or dishonorable conduct as set forth in K.S.A 65-2836(b) in that Licensee failed to adhere to K.S.A. 65-2885.

13. Licensee is deemed to have violated K.S.A. 65-2836(b) as defined by K.S.A. 65-2837(b)(12) in that Licensee has committed conduct that is likely to deceive, defraud, or harm the public.
14. Licensee has violated K.S.A. 65-2836(f) in that Licensee has willfully or repeatedly violated this act.
15. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, privately or publicly censure or place under probationary conditions Licensee's license, and pursuant to K.S.A. 65-2863a, the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.
16. According to K.S.A. 65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
17. All pending investigation materials in KSBHA Investigative Case Number 15-00613 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel and/or their appointed member for this matter. Disciplinary Panel No. 31 authorized and directed Board counsel, through their appointed member for this matter, to seek settlement of this matter with the provisions contained in this Consent Order.
18. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice chiropractic in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be

whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

19. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas 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 Kansas Healing Arts Act.

20. Licensee hereby releases the Board, its individual members (in their official and personal capacity), 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 Judicial Review Act, 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 the 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 the Releasees.

21. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.
22. 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.
23. 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.
24. 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 and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings 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.
25. Licensee acknowledges that he has read this Consent Order and fully understands the contents.

26. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
27. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the following:
- Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
28. Licensee shall obey all federal, state and local laws and rules governing the practice of chiropractic 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.
29. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final 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.
30. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against him or of any conviction for any traffic or criminal offense, excluding minor traffic citations.
31. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other country, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

32. Licensee shall at all times keep Board staff informed of all his current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

33. This Consent Order constitutes **public disciplinary action**.

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

35. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of chiropractic:

FINE

36. Licensee shall pay a fine totaling FIVE THOUSAND DOLLAR AND ZERO CENTS (\$5,000.00) to the Kansas Board of Healing Arts.

37. Licensee shall make all payments, which shall be in the form of cashier's check or money order, to the "Kansas State Board of Healing Arts" and send all payments via certified mail to the attention of:

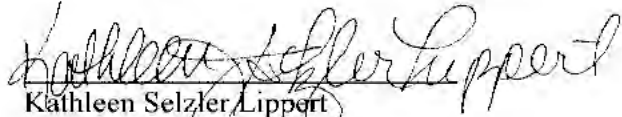
Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A,
Topeka, Kansas 66612

38. Licensee shall pay the fine on or before June 1, 2017.

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

IT IS SO ORDERED on this 20 day of April, 2017.

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


Kathleen Selzler Lippert
Executive Director

4/20/17

Date



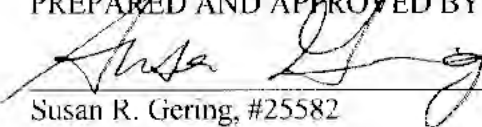
Michael D. Riley, D.C.

Licensee

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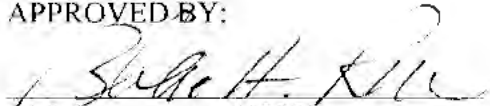
Date

PREPARED AND APPROVED BY:



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APPROVED BY:



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Attorney for Licensee

Consent Order
Michael D. Riley, D.C.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 20th day of April, 2017, to the following:

Michael Riley, D.C.
Licensee
[REDACTED]
Joplin, Missouri 64804

Blake H. Reeves
Attorney for Licensee
Polsinelli, PC
900 West 48th Place, Suite 900
Kansas City, Missouri 64112

And the original was hand-filed with:

Kathleen Selzler Lippert
Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was delivered to:

Susan R. Gering
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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