

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

KS State Board of Healing Arts

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| In the Matter of |) | |
| |) | KSBHA Docket No. 25-HA00004 |
| Erickson, Kenyon L., D.C. |) | |
| Kansas License No. 01-04711 |) | |

CONSENT ORDER

COMES NOW, Petitioner, Disciplinary Panel Disciplinary Panel #38, a duly authorized committee of the Kansas State Board of Healing Arts ("Board"), by and through C. Sebastian Thomas Orosco, Associate Litigation Counsel, and Kenyon L. Erickson, D.C., ("Licensee") by and through Brian P. Niceswanger, Attorney for Licensee, 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 is **CONFIDENTIAL**,
CONFIDENTIAL. Licensee's last known e-mail address to the Board is **CONFIDENTIAL**
2. Licensee is or has been entitled to engage in the practice of chiropractic in Kansas, having been issued License No. 01-04711 on or about April 28, 2001. Licensee's license is Active, having last renewed on or about December 29, 2023.
3. At all times relevant to the allegations set forth in this Consent Order, Licensee held a current and Active license to engage in the practice of chiropractic in the state of Kansas.
5. Facts supporting the allegations in this Consent Order include, but are not limited to the following:

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- a. At all times relevant hereto, Licensee practiced chiropractic at **CONFIDENTIAL** **CONFIDENTIAL** located in Manhattan, Kansas.
- b. In 2011, Licensee and Patient 1 (D.S.; **CONFIDENTIAL**) established a chiropractor-patient relationship when Patient 1 started receiving periodic chiropractic treatment from Licensee. At all times relevant hereto, Patient 1 and Licensee had an ongoing physician-patient relationship. *See* (Board Exhibit 1 – D.S. Chiropractic Treatment Records.)
- c. On or about April 10, 2024, in the District Court of Riley County, Twenty-First Judicial District of Kansas, Licensee was found guilty and was convicted of Sexual Battery, a class A person misdemeanor, pursuant to K.S.A. 21-5505(a). (Board Exhibit 2 – Journal Entry of Bench Trial filed April 10, 2024). This conviction was based on Licensee’s conduct during the course of a treatment session with Patient 1 that occurred on or about April 14, 2022, at **CONFIDENTIAL**. (Board Exhibit 3 – Complaint/Information filed March 23, 2023).
- d. Specifically, on or about April 14, 2022, Patient 1 had an appointment with Licensee at **CONFIDENTIAL** for chiropractic treatment to address pain in Patient 1’s left leg and thigh. (Board Exhibit 4 – Riley County Police Department Det. Daniel Todd Narrative of D.S. Interview).
- e. During treatment provided by Licensee, Licensee touched Patient 1’s genitalia with his hand. *Id.*

- f. At no time on April 14, 2022, or at any time during the physician-patient relationship at issue, did Patient 1 consent to Licensee touching Patient 1's genitalia.
- g. Licensee did not wear or use personal protective equipment, or take other measures, to prevent skin-to-skin contact at any time during the April 14, 2022, chiropractic treatment with Patient 1.
- h. Licensee's contact with Patient 1's genitalia on or about April 14, 2022, was not provided as part of a chiropractic treatment modality and did not constitute the practice of chiropractic.

6. Licensee has committed an act or acts of unprofessional conduct in violation of the Kansas Healing Arts Act., K.S.A. 65-2801, *et seq.* Specifically:

- a. Licensee's conduct violated K.S.A. 65-2836(c), in that Licensee has been convicted of a class A misdemeanor, whether or not related to the practice of the healing arts; to-wit: Licensee was convicted of sexual battery against Patient 1, in contravention of K.S.A. 21-5505(a), a class A person misdemeanor in Kansas.
- b. In addition, Licensee's conduct violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(16), in that Licensee committed an act of sexual misconduct or engaged in improper sexual contact that exploited the licensee-patient relationship with a patient; to-wit: intentionally touching Patient 1's genitalia during the chiropractic treatment session on or about April 14, 2022 when said touching was not provided as part of a chiropractic treatment modality and did not constitute the practice of chiropractic.

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

8. 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.

9. All the materials **CONFIDENTIAL** regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel.

10. The terms and conditions of this 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.

11. 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. Licensee hereby expressly understands and agrees that, at any such hearing, Licensee retains the

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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.*

12. The Board is the sole and exclusive administrative agency of the State of Kansas authorized to regulate the practice of chiropractic in the State of Kansas. K.S.A. 65-2801, *et seq.*

13. 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.

14. 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.

15. 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 K.S.A. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

16. 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.

17. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as

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“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.

18. Licensee acknowledges and understands that this Consent Order shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

19. 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.

20. 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.

21. Licensee 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.

22. Licensee acknowledges he has read this Consent Order and fully understands the contents.

23. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.

24. Licensee shall obey all federal, state, and local laws and rules governing the practice of chiropractic in Kansas that may in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

25. 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 and K.S.A. 77-526. 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.

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

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

28. A Protective Order shall be entered to protect all confidential information under 42 C.F.R. Part II, K.S.A. 65-2839a(d), **CONFIDENTIAL**, and **CONFIDENTIAL**.

29. In lieu of conducting a formal proceeding, Licensee hereby voluntarily agrees to the following disciplinary action against his license to practice chiropractic.

SURRENDER

30. Licensee agrees to surrender his license to practice chiropractic in the State of Kansas. Such surrender shall be treated as a revocation for all purposes, including reporting.

31. Licensee agrees that an application for reinstatement of license shall be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application shall be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, laws, rules and regulations regarding qualifications for licensure and reinstatement.

32. Licensee acknowledges and understands that in the event he applies for reinstatement, the allegations contained in this Consent Order shall be considered as findings of fact and conclusions of law.

33. Approving the proposed Consent Order will resolve **CONFIDENTIAL** without the need for litigation, thereby promoting judicial efficacy and making good use of limited resources. Furthermore, approving the proposed Consent Order will further the Board's mission of protecting the public against the unprofessional, improper, unauthorized, and unqualified practice of the healing arts by immediately removing Licensee's ability to practice chiropractic in the State of Kansas.

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 FURTHER ORDERED that Licensee shall place all patient medical records in the custody of another licensed practitioner of chiropractic, or a records maintenance facility, in compliance with K.A.R. 100-24-2; 100-24-3.

IT IS SO ORDERED on this 17 day of December, 2024.

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

Susan Gile
Susan Gile
Executive Director

12.17.2024
Date

Kenyon L. Erickson
Kenyon L. Erickson
Licensee

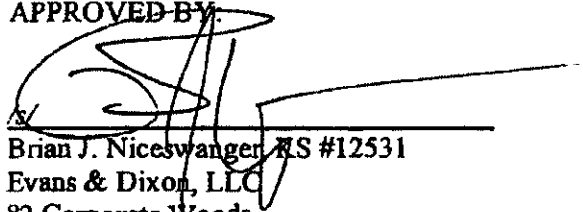
12/10/2024
Date

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PREPARED BY

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing **Consent Order** was served on the 17th day of January 2024, by depositing the same in the United States Mail, first class postage prepaid, and via email to below:

Kenyon L. Erickson, D.C.

CONFIDENTIAL

Licensee

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Attorney for Licensee

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

And the original was hand filed with the office of the Executive Director

Susan Gile, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson Lower Level Suite A
Topeka, Kansas 66612

[Handwritten Signature]
/s
Staff Member

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