

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of

Joseph M. Anderson, D.C.
Kansas License No. 01-05282

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Docket No. 22-HA00028

CONSENT ORDER

COMES NOW, Disciplinary Panel #35 (“Petitioner”) by and through Ruslan Ivanov, Associate Litigation Counsel, and Joseph M. Anderson, (“Licensee”), by and through his attorney, Diane Bellquist of Joseph, Hollander & Craft LLC, and move the Kansas State Board of Healing Arts (“Board”) for approval of a Consent Order related to Licensee’s license to practice chiropractic in Kansas. The Parties agree and stipulate to the following:

1. Licensee’s last known mailing address to the Board is **CONFIDENTIAL**,
CONFIDENTIAL
2. Licensee’s last known email to the Board is
CONFIDENTIAL
3. Licensee is entitled to practice chiropractic in Kansas, having been issued original license number 01-05282 on September 3, 2009. Licensee’s current license status is Active, having last renewed such license on or about December 3, 2021.
4. At all times relevant to the allegations set forth herein, Licensee has held a current and Active license to engage in the practice of chiropractic in Kansas.

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5. Petitioner has received information **CONFIDENTIAL** , and has reason to believe that there are grounds to take action under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

CONFIDENTIAL

7. The facts offered in support of this Consent Order are as follows:

Violation of K.S.A. 65-2837(b)(19)

- a. On or about September 21, 2018, Patient L.S. presented to Licensee's office and consulted with Licensee about the twelve (12) week Candida weight loss program. Patient L.S. met with Licensee at 16077 S. Bradley Dr., Olathe, Kansas, which is the publicly listed address of both, Kansas City Laser-Like Lipo and Olathe Chiropractic.
- b. On or about September 21, 2018, Licensee guaranteed to Patient L.S. that she is guaranteed to lose thirty (30) pounds through this program.
- c. On or about September 21, 2018, Patient L.S. signed up for the full twelve (12) week Candida weight loss program.
- d. Patient L.S. was required to pay \$1000.00 dollars up front if she wanted to enroll in the twelve (12) week Candida program.
- e. On or about September 21, 2018, Patient L.S. paid \$1000.00 to Licensee's practice, Olathe Chiropractic LLC, by credit card.

- f. On or about September 21, 2018, Patient L.S. signed a contract for the twelve (12) week Candida program. This contract included but was not limited to the following content:
- i. The contract contains handwritten notes at the top of the first page, including the clauses, “Guaranteed 30 lbs.” and “with 6 months of maintenance”.
 - ii. The contract states that \$1000.00 dollars is required as a down payment, as well as subsequent payments of \$250.00 dollars every month are required to satisfy the final balance of \$3,300.00 dollars.
- g. On or about September 21, 2018, after signing the Candida program contract, Patient L.S. received a “Laser Like Lipo” session and ten (10) minutes of hypervibration.
- h. Upon reviewing the program manual and consulting with her cardiologist, Patient L.S. realized that she would not be able to take several substances that are a part of the Candida program.
- i. Approximately ten (10) days after her initial appointment, Patient L.S. reached Licensee by telephone and informed him that she wanted to cancel the program and asked for a refund of the money she had already paid. Licensee refused to refund Patient L.S. any amount of money she had paid.
- j. On or about October 1, 2020, Licensee refunded the \$1000.00 dollars charged to Patient L.S.’s credit card on or about September 21, 2018.

Violation of K.S.A. 65-2837(b)(25)

- k. On or about December 10, 2018, a Board investigator sent a request to Licensee to provide any and all Patient/Medical Records for Patient L.S.
- l. On or about December 26, 2018, the Board received a response from Licensee. Within his response, Licensee admits that Patient L.S. received a free Laser-Like Lipo session and ten (10) minutes of hypervibration. Along with the response, Licensee provided records for Patient L.S.
- m. Upon review of these records, Licensee failed to keep accurate medical records regarding the services provided to Patient L.S.

Violation of K.S.A. 65-2837(b)(8)

- n. On or about May 26, 2020, Licensee guaranteed results for Laser-Like Lipo procedures on multiple media platforms, including but not limited to his business website of <https://olathechiropracticclinic.com>. This website contained multiple guarantees of services, including but not limited to the following statement: “Results are GUARANTEED with Custom Metabolic Laser-Like Lipo Programs.”

8. Licensee has committed “unprofessional conduct” under K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(19), in that Licensee directly or indirectly received a fee for professional services not actually and personally rendered when such is prohibited by law.

9. Licensee has committed “unprofessional conduct” under K.S.A. 65-2836(b) as further defined in K.S.A. 65-2837(b)(25), in that Licensee failed to keep written medical records that accurately describe services rendered to the patient.

10. Licensee has committed “unprofessional conduct” under K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(8), in that Licensee guaranteed any professional service.

11. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, place on probation, censure, or otherwise limit the Licensee’s license to practice chiropractic in the State of Kansas for violations of the Kansas Healing Arts Act because Licensee has violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(8), K.S.A. 65-2837(b)(19), and K.S.A. 65-2837(b)(25).

12. 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. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board’s Final Order.

13. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts. K.S.A. 65-2801 *et seq.*

14. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

15. 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.

16. 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.

17. 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.

18. According K.S.A. 77-505 and K.S.A. 65-2836, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

19. **CONFIDENTIAL**
regarding Licensee were fully reviewed and considered by the members of Disciplinary Panel No. 35. Disciplinary Panel No. 35 authorized and directed Petitioner's counsel to seek settlement of this matter with the provisions contained in this Consent Order.

20. 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

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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 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 right 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.*

21. 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.

22. 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 for 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.

23. 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.

24. 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.

25. 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.

26. 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.

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

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

29. Licensee shall obey all federal, state and local laws and rules governing the practice of chiropractic in 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.

30. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 77-505 and K.S.A. 65-2836. 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.

31. Licensee shall immediately notify the Board or its designees of any citation, arrest, or charge filed against him or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

32. 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 county, or by a peer review body, a health care facility, professional association or society, or by a governmental agency.

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

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

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

36. 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 practice chiropractic.

PUBLIC CENSURE

37. Licensee is hereby **publicly censured** for violating the Kansas Healing Arts Act.

FINE

38. Licensee is hereby **fin**ed in the amount of **\$1,000.00 dollars** for violations of the Healing Arts Act. This fine shall be paid in full to the Kansas State Board of Healing Arts. Licensee shall have six (6) months from the date of execution of this Consent Order to pay this fine.

EDUCATION: GOT DOCUMENTATION COURSE

39. Licensee shall attend and successfully complete the Got Documentation course by Gregg Friedman or a substantially similar course as approved by the Board. Licensee shall have six (6) months from the date of execution of this Consent Order to complete the course.

40. Licensee shall provide proof of successful enrollment into the Got Documentation course or a substantially similar course to the Board's Compliance Coordinator within ten (10) days of enrollment.

41. Licensee shall provide proof of successful completion of the Got Documentation course or a substantially similar course to the Board's Compliance Coordinator within thirty (30) days of successfully completing the course.

42. All costs associated with the above course shall be at the Licensee's own expense, including but not limited to: the cost of registration for the course, the cost of travel to and from the course, and the cost of accommodations while attending the course.

43. Licensee shall sign any and all releases necessary to allow representatives/personnel of the approved documentation course to communicate with the Board and/or its personnel directly.

44. Proof of successful completion of the education requirements shall be submitted by sending the same to:

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

ASSESSMENT: EBAS ETHICS AND BOUNDARIES

45. Licensee shall successfully complete the Fraud Examination Section of the EBAS Ethics and Boundaries Assessment. Licensee shall have six (6) months from date of execution of this Consent Order to complete the examination.

46. Licensee shall provide proof of enrollment into the EBAS Fraud Examination Section within ten (10) days of enrollment.

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47. Licensee shall provide proof of successful completion and the results of the examination within thirty (30) days of successful completion. Licensee must disclose results to the Board's Compliance Coordinator for **any** attempt at examination, whether or not Licensee successfully passed.

48. Licensee shall sign any and all releases necessary to allow EBAS personnel to communicate with the Board and/or the Board's personnel directly.

49. All costs associated with the above assessment shall be at Licensee's own expense, including, but not limited to: the cost of registration, the cost of travel and the cost of accommodations while attending the assessment/examination.

50. Proof of successful completion of the assessment and results of any attempt at testing shall be submitted by sending the same to:

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

ONE-YEAR REVIEW

51. For a period of one (1) year after the execution of this Consent Order, the Board's Compliance Coordinator and/or members of DP #35 or its authorized agents may review any of media and/or advertising platforms associated with Licensee's professional practice and affiliated entities **CONFIDENTIAL** The media shall be reviewed for content that may violate the Kansas Healing Arts Act, including but not limited to content which is considered to be "unprofessional conduct" under K.S.A. 65-2837(b)(8). If content that violates

the Act appears on any media associated with Licensee's professional practice during this period, it shall be considered to be a violation of a lawful order of the Board; to-wit: this Consent Order; in addition to any other violations of the Act that may be found.

TERMINATION OF CONSENT ORDER

52. The one-year review, as described above, must be successfully completed and Licensee must complete all requirements otherwise set forth in this Consent Order before he may request termination of this Consent Order through the Board's Compliance Coordinator. A Journal Entry of Satisfaction will be filed upon completion of all terms and conditions of this Consent Order.

53. All correspondence or communication between Licensee and the Board relating to this Consent Order, including any and all requests for termination and/or modification of this Consent Order shall be made in writing to:

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

IT IS FURTHER 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 15th day of AUGUST, 2022.

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FOR THE KANSAS STATE BOARD OF
HEALING ARTS:

Susan Gile

Susan Gile
Acting Executive Director

8/15/2022

Date

J. M. Anderson

Joseph M. Anderson, D.C.
Licensee

7-6-22

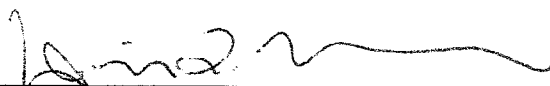
Date

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PREPARED AND APPROVED BY:



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dbellquist@josephhollander.com

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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 and via e-mail to the address below, on this 15th day of August, 2022, to the following:

Joseph M. Anderson
Licensee

CONFIDENTIAL

Joseph M. Anderson
Licensee
4908 Roundtree St.
Shawnee, Kansas 66226
drjoeanderson@olathechiropracticclinic.com

Diane Bellquist, #20969
Attorney for Licensee
Joseph, Hollander & Craft, LLC
1508 SW Topeka Blvd
Topeka, Kansas 66612
Phone: 785-234 3272
dbellquist@josephhollander.com

And the original was hand-filed with:

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

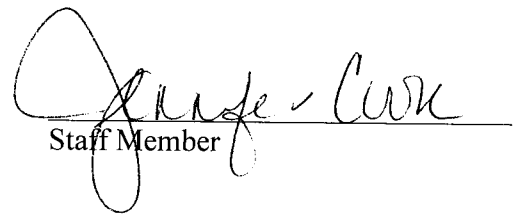
Compliance Coordinator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

And a copy was hand-filed with:

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


Staff Member