

**BEFORE THE MINNESOTA
BOARD OF CHIROPRACTIC EXAMINERS**

In the Matter of
Kevin Sean Conners, D.C.
License No. 2372

**STIPULATION AND ORDER
FOR VOLUNTARY SURRENDER**

STIPULATION

Kevin S. Conners, D.C. (“Licensee”), and the Minnesota Board of Chiropractic Examiners Complaint Panel (“Panel”) agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

A. The Minnesota Board of Chiropractic Examiners (“Board”) is authorized pursuant to Minnesota Statutes sections 148.01 to 148.108 to license and regulate chiropractors and to take disciplinary action as appropriate.

B. Licensee holds a license from the Board to practice chiropractic in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

II.

CONFERENCE

On June 12, 2012, Licensee and his attorney, Todd A. Crabtree, Crabtree Law Firm, Stillwater, Minnesota, appeared before the Complaint Review Panel (“Panel”) composed of Richard R. Tollefson, DC, Board member and Ralph E. Stouffer, Ed.D., Board Member, to discuss allegations contained in a Notice of Hearing for Alleged Noncompliance (“NOHAN”)

served upon Licensee on June 4, 2012. Bryan D. Huffman, Assistant Attorney General, represented the Panel at the conference.

III.

BACKGROUND

A. On February 9, 2006, the Board adopted a Stipulation and Order (“2006 Order”) based on the fact that Licensee: (1) engaged in improper billing practices; (2) provided excessive and unnecessary services; and (3) charged for services not rendered, or failed to document services rendered. The 2006 Order suspended Licensee’s license for six months but stayed the suspension in its entirety. The 2006 Order placed Licensee on probation for no less than two years, which included a number of conditions.

B. On February 12, 2009, the Board adopted an Amended Stipulation and Order (“2009 Amended Order”) based on the fact that Licensee: (1) failed to comply with the terms of the 2006 Order; (2) improperly managed healthcare records; and (3) failed to keep records justifying care rendered. The 2009 Amended Order suspended Licensee’s license for six months but stayed the suspension in its entirety and placed Licensee on probation for no less than two years. The 2009 Amended Order required Licensee to follow a number of conditions. In particular, Licensee was obligated to require that all patients sign a form verifying the patient acknowledges receipt of all services rendered and verifying the patient’s arrival time and departure time. Patients were required to sign the verification on the same date that services were rendered, immediately following the clinical visit.

IV.

FACTS

The parties agree this Stipulation and Order is based upon the following facts:

A. On February 6, 2012, the Board requested a sampling of six patient files to review for verification of Licensee's compliance with the terms of the 2009 Amended Order. Licensee did not reply to this request.

B. On March 5, 2012, the Board submitted a second request. In response, Licensee submitted a sampling of nine patient files. A review of the files revealed that Licensee failed to obtain the "time-in" and "time-out" notation by each patient as required by paragraph E.2.c. of the 2009 Amended Order.

C. On June 12, 2012, Licensee met with the Panel to discuss the allegations. Licensee admitted that he failed to comply with the "time-in" and "time-out" requirements of the 2009 Amended Order.

V.

LAWS

The Panel concludes that the conduct described in section IV. above constitutes a violation of Minnesota Statutes section 148.10 for purposes of this Stipulation and Order only and justifies the action described in section VI. below. Licensee agrees that the conduct described in section IV. above constitutes a violation of Minnesota Statutes section 148.10 if proven by the Panel and agrees to enter into this Stipulation and Order for purposes of settlement.

VI.

ACTION

The Board hereby **RESCINDS** the 2009 Amended Order, as well as all previous orders, which shall have no future force or effect. The parties agree the Board may take the following action and require compliance with the following terms:

A. Voluntary Surrender

1. The Board accepts Licensee's **VOLUNTARY SURRENDER** of his license to practice chiropractic. Licensee shall not engage in any act which constitutes the practice of chiropractic as defined in Minnesota Statutes section 148.01 (2010) and shall not imply by words or conduct that Licensee is authorized to practice chiropractic. Licensee shall not provide, direct, or assist in the provision of chiropractic care to any person or engage in any other procedure or practice which may be undertaken in this state only by licensed health personnel or by the lawful delegates, assistants, technicians, or aids of such personnel.

2. Licensee shall surrender to the Board his chiropractic license. Licensee shall personally deliver or mail the license to the Minnesota Board of Chiropractic Examiners, c/o Dr. Larry Spicer, Executive Director, 2829 University Avenue S.E., Suite 300, Minneapolis, Minnesota 55414, within ten days of the date of this Order.

B. Reinstatement

1. Licensee may petition for reinstatement of his license to practice chiropractic after Licensee is able to demonstrate by a preponderance of the evidence that Licensee is capable of practicing chiropractic in a fit and competent manner. At the time of Licensee's petition, Licensee shall meet with the Panel. The meeting with the Panel shall be scheduled after Licensee has complied with, at a minimum, the following:

2. Self-Report. Licensee shall submit to the Board a report from Licensee himself. The report shall provide and address:

a) Type of employment in which Licensee has been involved since the date of this Order;

b) Licensee's future plans in chiropractic and the steps he has taken to prepare himself to return to practice; and

c) Any other information Licensee believes would assist the Board in its ultimate review of this matter.

C. Civil Penalty.

At the time of his petition for reinstatement, Licensee shall remit to the Board certified funds, a cashier's check, or money order in the amount of \$2,000.00 payable to the Minnesota Board of Chiropractic Examiners. Payments required under this paragraph shall be in addition to all other license renewal, registration, or other fees required of all licensed chiropractors in the State of Minnesota.

D. Relicensure Requirements.

Licensee shall meet all relicensure requirements in effect at the time of his petition for reinstatement, including but not limited to:

1. Completing the appropriate application;
2. Payment of all licensing fees which would have been required of a fully licensed chiropractor in the interim;
3. Demonstration of completion of all continuing education requirements which would have been required of a fully licensed chiropractor in the interim. In the alternative, Licensee shall take and successfully complete the National Board of Chiropractic Examiners Special Purpose in Chiropractic Examination (SPEC).
4. If Licensee is out of practice for a period of 2 years or more, he shall be required to take the Minnesota Board of Chiropractic Examiners Jurisprudence Examination.
- 5.

If Licensee is out of practice for a period of five years or more, he shall be required to successfully complete with a passing score, one of the following of his own choosing:

a. The National Board of Chiropractic Examiners (NBCE) SPEC examination, or

b. The NBCE National Boards Part IV practical exam.

F. Additional Information. Licensee shall provide any additional information relevant to his petition reasonably requested by the Panel.

G. The Board may, at any regularly scheduled meeting following Licensee's petition for reinstatement pursuant to paragraph VI.B above, take any of the following actions:

1. Issue a chiropractic license to Licensee;

2. Issue a chiropractic license to Licensee with limitations upon the scope of Licensee's practice and/or with conditions for Licensee's practice; or

3. Deny Licensee's request for issuance of a chiropractic license based upon his failure to meet the burden of proof.

VII.

CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

A. If Licensee fails to comply with or violates this Stipulation and Order, Minnesota Statutes sections 148.01 to 148.108 or Minnesota Rules 2500.0100 to 2500.5050, the Review Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:

B. The Panel shall schedule a hearing before the Board. At least 30 days prior to the hearing, the Panel shall mail Licensee a notice of the violation(s) alleged by the Panel. In

addition, the notice shall designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

C. The Panel, in its discretion, may schedule a conference with the Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.

D. Prior to the hearing before the Board, the Panel and Licensee may submit affidavits and written argument in support of their positions. At the hearing, the Panel and Licensee may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Order. Unless stated otherwise in this Stipulation and Order, the Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Licensee waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

E. Licensee's correction of a violation prior to the conference, hearing, or meeting of the Board may be taken into account by the Board but shall not limit the Board's authority to impose discipline for the violation. A decision by the Panel not to seek discipline when it first learns of a violation will not waive the Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this order is in effect.

F. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board will dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including revocation of Licensee's license.

VIII.

ADDITIONAL INFORMATION

A Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

B Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

C This Stipulation and Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

D Either party may seek enforcement of this Stipulation and Order in any appropriate civil court.

E Licensee has read, understands, and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware this Stipulation and Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the order as

modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Order, it will be of no effect except as specified in the following paragraph.

F Licensee agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

G This Stipulation and Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

IX.

DATA PRACTICES NOTICES

This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5 (2010). Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4 (2010).

This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

For the Complaint Panel:



Kevin S. Conners, D.C.
Licensee

Dated: 7-19, 2012



Larry A. Spicer, D.C.
Executive Director

Dated: 7/19/2012, 2012

ORDER

Upon consideration of the Stipulation, the Board accepts the **VOLUNTARY SURRENDER** of Licensee's license, and adopts all of the terms described above on this 19th day of July, 2012.

MINNESOTA BOARD
OF CHIROPRACTIC EXAMINERS



RICHARD R. TOLLEFSON L, D.C.
President

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