

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

In the Matter of)	
)	Docket No. 24-HA00021
MATTHEW FALOR, AT)	
Kansas License No. 24-00969)	

CONSENT ORDER

COMES NOW, Disciplinary Panel #38, (“Petitioner”), by and through Bradley Taylor, Associate Litigation Counsel, and Matthew Falor, AT (“Licensee”), by and through Isaac Keppler, Attorney for Licensee, and move the Board for approval of a Consent Order affecting Licensee’s license to practice as an athletic trainer in Kansas. Petitioner and Licensee stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is: **CONFIDENTIAL**
Licensee’s last known email **CONFIDENTIAL**
2. Licensee is or has been entitled to engage in the practice of athletic trainer in Kansas, having been issued original license number 24-00969 on August 8, 2014. Licensee’s current license status is Active, having last renewed such license on December 21, 2022.

FACTUAL BASIS

3. The facts supporting the allegations in this Consent Order include, but are not limited to, the following:
 - a. On or about the period of time between August of 2019 to April of 2022, while employed as the Athletic Training Program Director at Emporia State University

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(ESU), Licensee provided treatment to ESU football players and supervised students of the ESU athletic training program.

- b. During the above noted time frame, on multiple occasions, Licensee used inappropriate and uncomfortable language all of a sexual nature in front of athletic trainers, athletic training students and patients.
- c. Licensee's above noted conduct violated the Code of Professional Responsibility and Standard of Professional Practice for the National Athletic Trainers' Association Board of Certification (BOC).
- d. Effective on or about June 29, 2022. Licensee was publicly censured by BOC for the above noted conduct and was required to complete six hours of an assessment based sexual harassment education course.

PRELIMINARY ACKNOWLEDGMENTS

4. 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 athletic trainers licensure act. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before the Board.

VIOLATIONS OF THE ATHLETIC TRAINERS LICENSURE ACT

5. Based on the above and foregoing, Licensee violated the following sections of the athletic trainers licensure act:

- a. K.S.A. 65-6911(a)(5), in that Licensee engaged in misconduct in the performance of the functions or duties of an athletic trainer.
- b. K.S.A. 65-6911(a)(10), in that Licensee committed unprofessional conduct, further defined under K.A.R 100-69-7 as follows:
 - i. K.A.R 100-69-7(10) commission of any act of sexual abuse, misconduct, or other improper sexual contact that exploits the licensee-patient relationship, with a patient or a person responsible for health care decisions concerning the patient.
 - ii. K.A.R 100-69-7(16) repeated failure to engage in the practice of athletic training with that level of care, skill, and treatment that is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances; and/or
 - iii. K.A.R 100-69-7(25) incurring any sanction or disciplinary action by a peer review committee, a governmental agency or department, or a professional association or society for conduct that could constitute grounds for disciplinary action under the act or this article of the board's regulations;

ACKNOWLEDGMENTS, AGREEMENTS, AND PROVISIONS

6. Under K.S.A. 65-6911 *et seq.*, the Board has grounds to revoke, suspend, reprimand, place on probation or otherwise limit Licensee's license for violations of the athletic trainers licensure act.

7. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of athletic trainers. K.S.A. 65-6901 *et seq.*

8. A protective order is hereby entered to protect all confidential information under K.S.A. 65-2898a.

9. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into this 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.

10. The athletic trainers licensure 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.

11. 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.

12. 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.

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13. 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.

14. 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, 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.*

15. 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.

16. 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

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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.

17. 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.

18. 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.

19. 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.

20. 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.

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

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22. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.
23. 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.
24. 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. 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.
25. This Consent Order constitutes **public disciplinary action**.
26. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
27. 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 as an athletic trainer.

PUBLIC CENSURE

28. Licensee hereby agrees that this Consent Order shall constitute a public censure for the above noted conduct.

ETHICS AND BOUNDARIES PROGRAM

29. Licensee hereby agrees to complete the PROBE: Ethics and Boundaries Program administered by the Center for Personalized Education for Professionals (CPEP) (720 S. Colorado Blvd., Suite 1100-N, Denver, CO 80246) or a substantially similar program approved by Petitioner by no later than six (6) months from the effective date of this Consent Order.

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30. Licensee agrees to immediately surrender his license if he fails to comply with the aforementioned condition to complete the CPEP or substantially similar ethics and boundaries course within six (6) months from the effective date of this Consent Order.

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 11th day of December, 2023.

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

Susan Hill

Executive Director

12/11/2023
Date

Matthew Falor

Matthew Falor, A.T.
Licensee

10/5/23
Date

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PREPARED AND APPROVED BY:

/s/ Bradley Taylor

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APPROVED BY:

/s/ Isaac Keppler

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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, on this 11th day of December, 2023, to the following:

Matthew Falor, AT
Licensee

CONFIDENTIAL

Isaac Keppler
Attorney for Licensee
Colantuono Guinn Keppler LLC
II Park Renaissance
7015 College Boulevard, Suite 375
Overland Park, Kansas 662211
913-345-2555 (phone); 913-345-2557 (fax)
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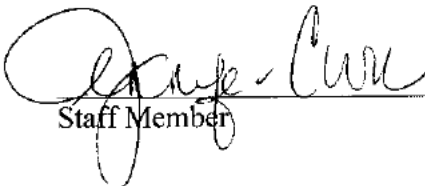
With a copy hand-delivered to:

Bradley Taylor
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Licensing Administrator
Kansas State 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:

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


Staff Member

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