

JUN 16 2017

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

KS State Board of Healing Arts

In the Matter of)
ZACHARY BAKER, D.C.)
)
Kansas License No. 01-05780)
_____)

KSBHA Docket No. 17-HA00058

FINAL ORDER INDEFINITELY SUSPENDING LICENSE

NOW on this 9th day of June, 2017, comes on for conference hearing before the Kansas State Board of Healing Arts (“Board”) the Petition for Discipline filed against the chiropractic license of Zachary Baker, D.C. (“Licensee”) in the State of Kansas. Jane Weiler, Associate Litigation Counsel, appears on behalf of the Petitioner Board. Licensee appears in person and *pro se*.

Pursuant to the authority granted to the Board by K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving exhibits into evidence, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is or has been entitled to engage in the practice chiropractic in the State of Kansas, having been issued License No. 01-05780 on approximately November 2, 2015. Licensee’s current license designation is Active.

2.



[REDACTED] The monitoring provisions were to be in place for a period of no less than three (3) years. (KSBHA Docket No. 16-HA00029).

3. On or about August 30, 2016, in KSBHA Docket No. 17-HA00010, a Petition was filed alleging Licensee had violated the conditions imposed upon his license. [REDACTED]

[REDACTED]

4. The Board issued a Final Order in KSBHA Docket No. 17-HA00010 on or about October 20, 2016. The Final Order found that Licensee violated K.S.A. 65-2836(k), by violating a lawful directive or order of the board [REDACTED]

[REDACTED]

5. The Final Order extended Licensee's [REDACTED] for a period of no less than five (5) years from October 14, 2016. Additionally, Licensee was required to take the EBAS ethics test with six (6) months of the date of the Final Order. Licensee was also publicly censured.

6. On or about April 25, 2017, a Petition was filed in this matter alleging that Licensee had violated K.S.A. 65-2836(k), by violating a lawful directive or order of the board. The Petition alleged that Licensee violated K.S.A. 65-2836(k), by failing to attend all required [REDACTED] and that Licensee had failed to take the EBAS ethics exam within the six (6) month period required by the Final Order in KSBHA Docket No. 17-HA00010. The Petition further alleged that as of the date of the filing of the Petition, Licensee had not even registered for the EBAS ethics exam.

7. At the conference hearing on his matter on June 9, 2017, Licensee admitted that he had not taken the EBAS ethics exam as required by the Final Order. Licensee stated that he could not afford the \$1500 fee for the examination.

8. In response to Licensee's assertion that he could not afford the \$1500 fee, Petitioner noted that Licensee took a trip to Hawaii in November of 2016 for eleven days; in May of 2017, he traveled to Mexico for a period of six (6) days; and that he has another trip to Hawaii scheduled for June of 2017, for eleven days.

9. The Board finds that Licensee violated K.S.A. 65-2836(k) on two occasions, (1) by violating a lawful directive or order of the board to by failing to attend [REDACTED] and (2) failing to take the EBAS examination as required by the Final Order.

10. The Board finds that Licensee's failure to take the EBAS examination as required was an intentional act on his part. Even though he may not spend "a lot" of money on his trips to Hawaii or Mexico, Licensee choose to take these trips instead of following the requirements of the Final Order, and these are aggravating factors for the Board to consider.

11. The Board also finds that Licensee's failure to follow a lawful directive or order of the Board for a second time as an aggravating factor for the Board to consider.

12. Although Licensee claimed that he has had to care for a family member in poor health, the Board finds Licensee's statements to be inconsistent with is travel activities.

13. The Board concludes that Licensee engaged in two violations of K.S.A. 65-2836(k), which the Board determines to be a 2A category of offense as set forth in the sanctioning guidelines. The Board finds that Licensee's actions in this matter as well as his past

violations of the Healing Arts Act puts Licensee in the presumed sanction for multiple offenses column.

14. The Board concludes that the appropriate disciplinary action for both violations of K.S.A. 65-2836(k) in this matter is to suspend Licensee's license until Licensee has taken and passed the EBAS ethics course and returns to the Board for review of his examination results. Further, the Board concludes that [REDACTED] shall continue during the term of his suspension.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's license to practice chiropractic is hereby **INDEFINITELY SUSPENDED.**

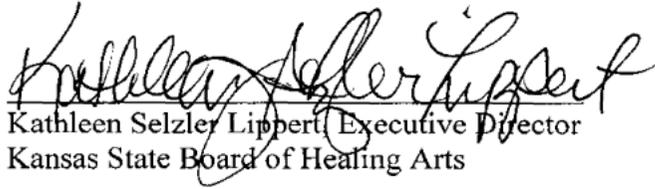
IT IS FURTHER ORDERED that consideration by the Board of any motion by Licensee to terminate the indefinite suspension of his license shall be based on documented evidence of completion of the EBAS ethics examination.

IT IS THEREFORE ORDERED, that Licensee shall continue to comply with all terms and conditions [REDACTED] during the term of his suspension.

IT IS THEREFORE ORDERED that the Board shall maintain jurisdiction over this matter to conduct additional proceedings and issue further order(s) deemed necessary and appropriate in the circumstances.

IT IS SO ORDERED THIS 16 DAY OF JUNE 2017, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, a party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court, as authorized by K.S.A. 77-601, *et seq.* Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within **30 days** following service of the Final Order. A copy of any petition for judicial review must be served upon Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above foregoing **FINAL ORDER INDEFINITELY SUSPENDING LICENSE** was served this 16th day of June 2017 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

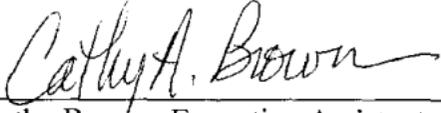
Zachary Baker, DC
[REDACTED]
Kansas City, KS 66106

And a copy was delivered to:

Jane Weiler, 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 filed with the office of the Executive Director.



Cathy Brown, Executive Assistant