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JUL 15 2009

KS State Board of Healing Arts

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

In the Matter of)
)
Glen A Fitzner, DC)
)
Kansas license No. 01-03190)

Docket No. 09-HA00198

FINAL ORDER

NOW, on this 10th day of July 2009, this matter comes before John (Jack) Confer, Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being advised in the premises, the Executive Director makes the following determinations.

1. On June 2, 2009 the Executive Director issued a Summary Order regarding the license of Glen A Fitzner, D.C. ("Licensee") to practice as a doctor of chiropractic medicine in the state of Kansas. The Summary Order contained a provision assessing a \$500 civil fine against Licensee, due payable on or before July 8, 2009

2. On June 2, 2009 the Executive Director issued a Summary Order regarding the license of Glen A Fitzner, D.C. ("Licensee") to practice as a doctor of chiropractic medicine in the state of Kansas. The Summary Order contained a provision for the Licensee to complete 40 hours of Category I continuing education, due on or before September 2, 2009

3. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a Final Order of the Board upon expiration of the time for the requesting a hearing.

4. No hearing has been requested by any party; therefore the Summary Order became effective as a final order on July 8, 2009

IT IS SO ORDERED

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed pursuant to K.S.A. 77-613(e), the Agency Officer to be served on behalf of the Kansas State Board of Healing Arts is Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S Topeka Blvd., Topeka, Kansas 66603.

DATED this 15th day of July, 2009

KANSAS STATE BOARD OF HEALING ARTS



John (Jack) Confer
Executive Director

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Final Order was served this 15th day of July, 2009 by United States mail, first class postage prepaid and addressed to:

Glen A Fitzner DC
5717 E Central
Wichita, KS 66208


and a copy hand delivered to the office of:

Kathleen Selzler Lippert
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 6603-3068

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

and the original filed with the office of the Executive Director.

John (Jack) Confer
Executive Director
Kansas State Board of Healing Arts
235 S Topeka Blvd
Topeka, KS 66603



Cathy Brown
Executive Assistant

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JUN 02 2009

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

KS State Board of Healing Arts

In the Matter of)
)
Glen A Fitzner, DC)
License No. 01-03191)
_____)

Docket Number: *09-HA00198*

SUMMARY ORDER

NOW ON THIS *21st* day of ~~May~~ *June*, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

After reviewing the agency record and being duly advised in the premises, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

1. Glen A Fitzner, DC ("Licensee") was originally issued license number 01-03191 to practice chiropractic medicine in the State of Kansas on June 6, 1970, pursuant to K.A.R. 100-15-1.

2. K.A.R. 100-15-5 requires each Licensee desiring to renew a Chiropractic license to submit to the Board documented evidence of completion of a minimum of 50 contact hours of continuing education with a minimum 20 hours category and maximum 30 hours category II since July 1, 2007, or 100 contact hours of continuing education 40 hours category and maximum 60 hours category II since July 1, 2006, or 150 contact hours of continuing education 60 hours category and maximum 90 hours category II since July 1, 2005, before or with the request for renewal.

3. On or about December 19, 2008, Licensee submitted an application for renewal of their license.

4. As part of the renewal process, Licensee certified that the rules regarding proof of continuing education had been read, that 50 hours of continuing education hours had been achieved, and that documentation of those hours would be maintained for a three-year period and produced to the Board upon request.

5. As part of the renewal process, Licensee further certified that the notice regarding the Board's procedures for auditing continuing education compliance had been read.

6. Licensee was randomly selected to provide verification of compliance with the continuing education requirements and on February 20, 2009, a letter was mailed to Licensee requesting that Licensee provide no later than March 31, 2009, the records relied upon when Licensee certified achievement of the required continuing education hours.

7. On March 30, 2009, Licensee provided documentation of the achievement of 0 hours of category I and 30 hours of category II.

8. On March 31, 2009, a letter was mailed advising the Licensee that he was deficit 20 hours of category I.

9. On April 10, 2009 the Licensee contacted the board staff and reported that the Licensee was short the additional hours.

10. Licensee failed to provide documented evidence of 20 hours of category I continuing education hours since July 1, 2007.

11. By certifying that the licensee had met the requirement for renewal, Licensee violated K.S.A. 65-2836 (q), "committed fraud or misrepresentation in applying for or securing an original, renewal or reinstatement."

12. In addition to any other penalty prescribed under the healing arts act, K.S.A. 65-2863a authorizes the Board to assess an administrative fine in an amount not exceeding \$5,000 for the first violation of the healing arts act.

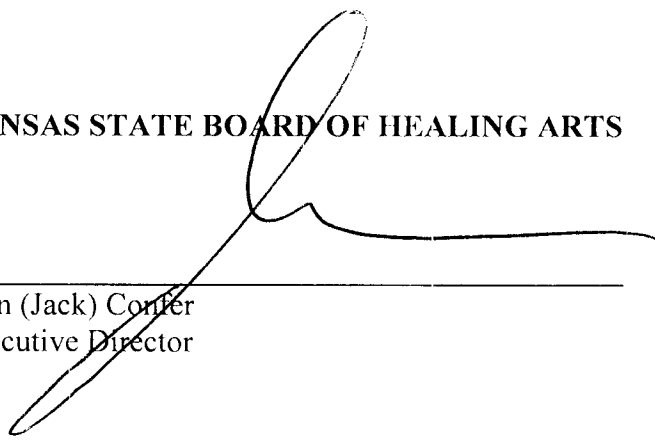
IT IS, THEREFORE, ORDERED that the license of Licensee be assessed a civil fine in the amount of \$500, payable within thirty days of the effective date of this order, for failure to have met the continuing education requirement at the time of renewal.

IT IS FURTHER ORDERED that licensee shall provide documentation of completion of 40 category I continuing education hours within 90 days of the effective date of this order.

PLEASE TAKE NOTICE that this is a summary order. A party to whom a summary order is issued may file a written request for a hearing within 15 days following service of the summary order. If a hearing is not requested, the summary order shall become effective as a final order of the Board upon expiration of the time for requesting a hearing. A request for a hearing must be addressed to Jack Confer, Executive Director, 235 South Topeka Boulevard, Topeka, Kansas 66603.

DATED this 21st day of June, 2009.

KANSAS STATE BOARD OF HEALING ARTS



John (Jack) Confer
Executive Director

CERTIFICATE OF SERVICE

I, do hereby certify that on the 3rd day of June, 2009, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

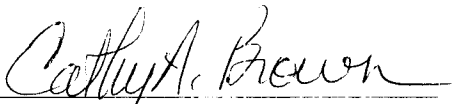
Glen A Fitzner DC
5717 E Central Ave
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and a copy hand delivered to the office of:

Kathleen Selzler Lippert
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

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and the original filed with the office of the Executive Director.



Cathy Brown
Executive Assistant