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BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Health

In the Matter of)
JACOB ROSS GARDNER, D.C.)
)
Kansas License No. 01-05385)
)
_____)

KSBHA Docket No. 12-HA00042

FINAL ORDER REVOKING LICENSURE

NOW on this 24th day of February, 2012, comes before the Kansas State Board of Healing Arts ("Board"), the Petition filed against the chiropractic license of Jacob Ross Gardner, D.C. ("Licensee") for alleged violations of the Kansas Healing Arts Act in his failure to comply with the terms set forth in a Consent Order in KSBHA Docket No. 11-HA00049. Stacy R. Bond, Associate Litigation Counsel, appears on behalf of the Petitioner. Licensee appears *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, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is licensed to engage in the practice of chiropractic in the State of Kansas, License No. 01-05385, and has been so licensed since approximately December 16, 2010.

2. On or about December 16, 2010, Licensee entered into a Consent Order with the Board as a condition to being granted a license to practice chiropractic in the State of Kansas.

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7. The Board finds that Licensee knowingly agreed to the terms of the Consent Order as a condition of being granted licensure in Kansas.
8. The purpose of the Consent Order is to protect the public by ensuring that Licensee is safe to practice.

9. The Board finds that Licensee violated the Consent Order

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10. There are grounds to take disciplinary action against Licensee's license in the form of revocation pursuant to K.S.A. 65-2836(k), due to Licensee's violation of a lawful order of the Board.

11. The Board's statutory duty is to protect the public health, safety and welfare. Inherent to this duty is necessity for the Board to ensure that all licensees comply with Board orders issued for the purpose of ensuring patient safety. The Board must also take commensurate disciplinary action when such orders are not obeyed.

12. Because the Consent Order granting licensure to Licensee contained requirements which were intended to protect the public by ensuring that Licensee was safe to practice, the Board further concludes that Licensee's failure to comply constitutes egregious conduct that is an exceptionally aggravating circumstance.

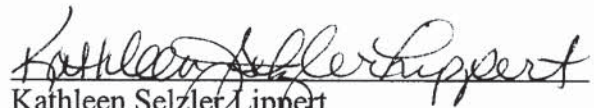
13. The Board looks to the agency's "Guidelines for the Imposition of Disciplinary Actions" for guidance in exercising its discretion to determine the appropriate sanction in this matter. The Board concludes that a violation of a Board order which is intended to safeguard the public constitutes misconduct that is potentially harmful to patients and is disruptive to Board processes. The sanctioning goals for such an offense are to protect the public and punish the Licensee. In light of the aggravating circumstance noted above, the appropriate sanction for Licensee's violation of the Consent Order is revocation of licensure.

14. The Board concludes that Licensee should be permitted to apply for reinstatement of his revoked license in eighteen (18) months from the filing date of this Order. All other statutory requirements for reinstatement shall apply to such application. Additionally, the Board shall consider the merits of such application for reinstatement under the analysis set forth in *Vakas v. Kansas Bd. of Healing Arts*, 248 Kan. 589, 808 P.2d 1355 (1991).

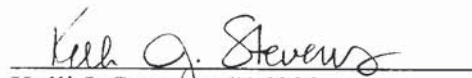
IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's license to practice chiropractic in Kansas is hereby REVOKED.

IT IS FURTHER ORDERED that Licensee may apply for reinstatement of his revoked license in eighteen (18) months from the filing date of this Order. All other statutory requirements for reinstatement shall apply to such application. Additionally, the Board shall consider the merits of such application for reinstatement under the analysis set forth in *Vakas v. Kansas Bd. of Healing Arts*, 248 Kan. 589, 808 P.2d 1355 (1991).

IT IS SO ORDERED THIS 21 DAY OF MARCH, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:


Kelli J. Stevens, #16032
General Counsel

**NOTICE REGARDING UNLAWFUL CORPORATE
PRACTICE OF CHIROPRACTIC**

PLEASE TAKE NOTICE that your license to practice chiropractic in the State of Kansas has been revoked. As such, you may no longer lawfully hold an ownership interest in any professional business entity organized to provide chiropractic services in the State of Kansas.

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, the Board's Executive Director, at 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 and foregoing **FINAL ORDER REVOKING LICENSURE** was served this 21st day of March, 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Jacob Ross Gardner, D.C.
1043 N. 200th Rd.
Lincoln, KS 67455

And a copy was hand-delivered to:


Janith A. Lewis-Bryant, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Melissa Massey, Compliance Coordinator
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:

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



Cathy Brown
Executive Assistant