FILED

JUN 2 9 2010

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
Jody Krukowski, ND	)	
	)	Docket No. 10-HA00144
Application for Naturopathic	)	
Doctor	)	
	)	

FINAL ORDER
(Pursuant to K.S.A. 77-501 et seq.)

Pursuant to the authority granted to the Kansas State Board of Healing Arts ("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. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

I. Findings of Fact

The Board has been shown the following facts:

1. Jody Krukowski ("Applicant") 10416 Conser St., #101, Overland Park, KS 66201, submitted an Application for Naturopathic Doctor ("Application") in the State of Kansas on March 16, 2010.
2. Applicant stated in the Application and supporting documentation that she is licensed to practice naturopathic medicine in the State of Arizona.
3. Applicant has passed Step I of the Naturopathic Physician Licensing Examination ("NPLEX") but has not passed Step II.
4. Applicant planned to teach and practice naturopathic medicine at the University of Kansas Medical Center.

5. Pursuant to K.S.A. 65-7206, Applicant requested licensure by endorsement or waiver of the education and examination requirements set forth in K.S.A. 65-7204 and K.S.A. 65-7205.

II. Applicable Law

K.S.A. 65-2801 states:

> "Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act."

K.S.A. 65-7204 states, in pertinent part:

(a) "An applicant applying for registration as a naturopathic doctor shall file a written application…, showing to the satisfaction of the board that the applicant meets the following requirements:

(1) Education: The applicant shall present evidence satisfactory to the board of having successfully completed an educational program in naturopathy from an approved naturopathic medical college.

(2) Examination: The applicant shall pass an examination as provided for in K.S.A. 65-7205 and amendments thereto."

K.S.A. 65-7205 states, in pertinent part:

(a) "Each applicant for registration under this act shall be examined by a written examination or examinations chosen by the board to test the applicant's knowledge of the basic and clinical sciences relating to naturopathy, and naturopathy theory and practice, including the applicant's professional skills and judgment in the utilization of naturopathic techniques and methods, and such other subjects as the board may deem useful to determine the applicant's fitness to practice naturopathy…"

K.S.A. 65-7206 states, in pertinent part:

(a) "The board may waive the examination or education requirements, or both, and grant registration

(1) to any applicant who presents proof of current authorization to practice naturopathy in another state, the District of Columbia or territory of the United States which requires standards for authorization to practice determined by the board to be equivalent to the requirements for registration under this act..."

III. Public Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

> Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #5, the Applicable Law and the Public Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

6. Applicant has not passed the NPLEX as required by K.S.A. 65-7204 and K.S.A. 65-7205.
7. Applicant did not provide the Board sufficient evidence to determine whether licensure requirements in Arizona were compatible with licensure requirements in Kansas.

8. Given the Applicant's intention to both practice and teach naturopathic medicine at the University of Kansas Medical Center, passage of the NPLEX is necessary for licensure in the State of Kansas.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:

9. Pursuant to the authority granted to the Board by the Healing Arts Act, including but not limited to K.S.A. 65-7204 and K.S.A. 65-7205, Applicant's Application is hereby **TABLED** until such time as Applicant successfully completes the NPLEX.

10. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 28 DAY OF June, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

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. 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 235 SW Topeka Blvd., Topeka, KS 66603.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 29th day of June, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Jody Krukowski, ND
10416 Conser St. #101
Overland Park, KS 66201

And a copy was hand delivered to the office of:

Julia Mowers, Associate Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, KS 66603

Cathy A. Brown

Cathy Brown
Executive Assistant