

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

AUG 23 2004

KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
)
 ELLA LADD, D.C.)
 Kansas License No. 01-04202)
 _____)

Docket No. 05-HA-02

FINAL ORDER

NOW ON THIS 14th Day of August 2004, this matter comes before the Board for a conference hearing. Stacy L. Cook and Dianc L. Bellquist appear for Petitioner. Respondent Ella Ladd appears in person and through Jonathan A. Bortinick, Attorney at Law.

Having heard the statements of the parties, and having the agency record before it, the Board finds, concludes, and orders as follows:

1. Respondent is licensed to engage in the practice of chiropractic. She initially was licensed in February 1994, and has continuously been licensed since.

2. On March 15, 2004, Respondent pleaded guilty in the United States District Court for the District of Kansas to the crime of defrauding a health care benefit program in violation of 18 U.S.E. § 1347, a class C felony.

3. Respondent was sentenced to probation for a period of five years, and was ordered to pay restitution in the amount of \$29,031.90. Additionally, Respondent is on home detention for a period of six months except for employment and approved activities.

4. The Board may revoke, suspend, or limit a license, or may censure or fine a licensee upon a finding that the licensee has been convicted of a felony.

5. The Board finds and concludes that Respondent should be publicly censured for being convicted of a felony, and for engaging in the conduct that led to the conviction.

6. The Board concludes K.S.A. 65-2836(c) mandates that the Board revoke the license of person who has been convicted of a felony unless a two-thirds majority finds clear and convincing evidence that the licensee does not pose a threat to the public and that the licensee has been sufficiently rehabilitated to warrant the public trust.

7. The Board makes no finding at this time as to whether Respondent has been sufficiently rehabilitated to warrant the public trust. That issue might be in dispute, and further proceedings on that issue are appropriate. The parties agree that additional inquiry is necessary to determine whether the issue is in dispute. The parties agree, and the Board finds and concludes, that until Respondent does produce evidence of sufficient rehabilitation the Board is required by statute to revoke Respondent's license.

8. The Board concludes that K.S.A. 65-2844 allows the Board to stay an order of revocation. No specific factors for ordering a stay have been established. The Board concludes that a stay is entirely discretionary, and that the exercise of discretion need only be consistent with the overall purpose of the healing arts act.

9. The Board finds that the revocation of Respondent's license should commence August 14, 2004 at 12:00 noon. The Board further finds that it is in the public's interest to stay the revocation temporarily beginning August 15, 2004 at 12:00 noon.

10. The Board will reconsider the temporary stay on December 11, 2004 at 10:00 a.m., and at that time will determine whether Respondent is sufficiently rehabilitated to warrant the public trust, and may issue additional orders at that time. In determining rehabilitation, the Board may consider the factors stated in *Vakas v. Kansas Bd. of Healing Arts*, 248 Kan. 589 (1991).

11. While the temporary stay is in place, Respondent shall take appropriate actions to establish rehabilitation. Such actions might include, at Respondent's expense, all of the following:

- a. Complete the National Board of Chiropractic Examiners ethics and boundaries course.
- b. Seek a report of Respondent's billing practices and business configuration by KAAMCo.
- c. Complete the Chiro-Code seminar and obtain the seminar materials.

12. Additional evidence that the Board will consider at the December hearing includes the extent that the osteopathic physician, the physical trainer, and the billing clerk, aided Respondent in the criminal conduct and participated in the scheme. As provided by K.S.A. 65-2846 and 65-28,122, Respondent cooperate in the Board's further investigations, and shall report to the Board all knowledge regarding violations of the healing arts act by another licensee.

13. If the parties determine that a formal hearing on the issue of rehabilitation is necessary based upon disputes of material facts, the parties shall notify the Board's Executive Director.

IT IS, THEREFORE, ORDERED that the license of Ella Ladd, D.C. is hereby revoked, effective August 14, 2004 at 12:00 noon.

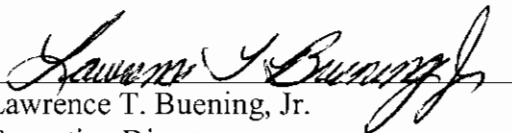
IT IS FURTHER ORDERED that the revocation of the license shall be stayed on a temporary basis, commencing August 15, 2004 at 12:00 noon until further order of the Board.

PLEASE TAKE NOTICE that this matter will come before the Board December 11, 2004 at 10:00 a.m. to determine whether Respondent is sufficiently rehabilitated to warrant the public trust, and to issue such further orders as are proper at that time.

PLEASE TAKE FURTHER 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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 23rd Day of August 2004.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing was served this 23rd day of August 2004 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Ella Ladd, D.C.
6363 W. 110th Street
Overland Park, KS 66211

Jonathan A. Bortinik
1222 McGee
Kansas City, MO 64106

and a copy was hand-delivered to the office of:

Stacy L. Cook
Diane L. Bellquist
235 S. Topeka Blvd.
Topeka, KS 66603

