

EFFECTIVE AS A FINAL ORDER

DATE: 10/7/2022

FILED
MAY 17 2022

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

KS State Board of Healing Arts

In the Matter of

**Gabriel J. Roberts, D.C.
Kansas License No. 01-05639**

Docket No. 22-HA20042

SUMMARY ORDER

NOW ON THIS 17th day of May 2022, this matter comes before Susan Gile, Acting Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

Pursuant to K.S.A. 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within 15 days of service. Upon review of 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:

Findings of Fact

1. Gabriel J. Roberts, D.C. ("Licensee") was issued License No. 01-05639 to practice chiropractic in Kansas on or about June 25, 2014. His current license designation is Cancelled – Failure to Renew, his license having expired on or about January 31, 2020.
2. Licensee's last mailing address known to the Board is: **CONFIDENTIAL**,
- CONFIDENTIAL**. Licensee's last email address as known to the Board is: **CONFIDENTIAL**
3. At all times pertinent to the findings of fact and law in this Order Licensee held an Active license to practice chiropractic in Kansas.
4. The factual basis for this Order is as follows:

**Summary Order
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Kansas License No. 01-05639**

a. On or about March 26, 2019, the Board received notice Licensee had published and distributed an advertising brochure for his practice, Back to Nature Lifestyle Medicine, LLC in which he referred to himself as “Dr. Gabe” without identifying himself as a doctor of chiropractic. (Bd. Ex. 1 – Brochure)

Applicable Law

5. Per K.S.A. 65-2885 of the Kansas Healing Arts Act:

No person licensed hereunder shall use a title in connection with such person's name which in any way represents such person as engaged in the practice of any branch of the healing arts for which such person holds no license. Every licensee, when using the letters or term “Dr.” or “Doctor,” shall use the appropriate words or letters to identify such licensee with the particular branch of the healing arts in which the licensee holds a license.

6. K.S.A. 65-2836(f) of the Kansas Healing Arts Act states that a Licensee’s license may be “revoked, suspended or limited, or the licensee may be publicly censured or placed under probationary conditions” upon a finding that a Licensee “has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act, or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment that are relevant to the practice of the healing arts.”

7. Additionally, K.S.A. 65-2836a(a) of the Healing Arts Act provides in pertinent part that:

The state board of healing arts, in addition to any other penalty prescribed under the Kansas healing arts act, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the Kansas healing arts act in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation.

Conclusions of Law

8. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

9. The Board finds Licensee violated K.S.A. 65-2836(f) by willfully or repeatedly violating the Kansas Healing Arts Act by referring to himself in advertising materials as “Dr.” without use the appropriate words or letters to identify himself as a chiropractor, in violation of K.S.A. 65-2885.

10. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of law, and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee.

IT IS HEREBY ORDERED that Licensee is **PUBLICLY CENSURED**.

IT IS FURTHER ORDERED that Licensee is hereby assessed a **CIVIL FINE** in the amount of five hundred dollars (\$500.00) for violations of the Kansas Healing Arts Act, due within thirty (30) days after this Order becomes a Final Order. Such fine shall be paid to the “Kansas State Board of Healing Arts,” in full. All monetary payments, which shall be in the form of check or money order, relating to this Summary Order shall be mailed to the Board, certified, and addressed to:

Summary Order
Gabriel J. Roberts, D.C.
Kansas License No. 01-05639

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suit A,
Topeka, Kansas 66612.
KSBHA_ComplianceCoordinator@ks.gov

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 17th day of May 2022.

**KANSAS STATE BOARD
OF HEALING ARTS**

Susan Gile

Susan Gile
Acting Executive Director

**Summary Order
Gabriel J. Roberts, D.C.
Kansas License No. 01-05639**

FINAL ORDER 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 Susan Gile, Acting 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 I served a true and correct copy of the above and foregoing **FINAL ORDER** by depositing the same in the United States Mail, postage prepaid, on this 7th day of June 2022, addressed and emailed to:

Gabriel J. Roberts, D.C.
CONFIDENTIAL

Licensee

Gregory P. Forney
Shaffer Lombardo Shurin, Attorneys at Law
2001 Wyandotte St.
Kansas City, MO 64108
gforney@sls-law.com
Attorneys for Licensee

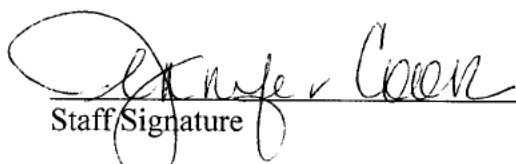
And a copy was hand-delivered to:

Matthew Gaus, 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

Office of the General Counsel
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.



Staff/Signature