

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter )  
of the Application for )  
a License to Practice )  
Chiropractic of )  
DOUGLAS L. SCHNELL, )  
\_\_\_\_\_ )

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KANSAS STATE BOARD OF  
HEALING ARTS

ORDER DENYING APPLICATION FOR LICENSE

NOW on this 15th day of June, 1990, comes on for hearing by Summary Proceeding the application for license to practice chiropractic filed by Douglas L. Schnell (hereafter "Applicant"). Members of the Board present are: Franklin Bichlmeier, M.D., President, Donald B. Bletz, M.D., Cameron D. Knackstedt, D.O., Rex A. Wright, D.C., P. Tom Greene, D.C., Glenn J. Kerbs, Edward J. Fitzgerald, M.D., Irwin Waxman, DPM, Jimmy Buller, D.O., Harold E. Bryan, D.C., Joseph Philipp, M.D., and John White, D.O., Vice-President.

Applicant appeared in person and by his counsel, Robert S. Halas. Lawrence T. Buening, Jr., General Counsel, appeared for and on behalf of the Board. There are no other appearances.

After hearing the arguments of the Board's General Counsel and counsel for Applicant, hearing the testimony of Applicant, reviewing the application and accompanying documents and the exhibits submitted at the hearing and being otherwise duly advised in the premises, the Kansas State Board of Healing Arts (hereafter

"Board") sitting at a regular meeting and serving as a Presiding Officer in Summary Proceedings pursuant to K.S.A. 77-511 and 77-537 makes the following findings of fact and conclusions of law:

#### FINDINGS OF FACT

1. On the second day of November, 1989, Applicant filed with the Board an application for endorsement to obtain a license to practice chiropractic in the State of Kansas.

2. On the 17th day of November, 1989, Richard G. Gannon, Executive Director of the Board, serving as Presiding Officer in Summary Proceedings pursuant to K.S.A. 1989 Supp. 77-511 and 77-537 issued an Order of Denial of License.

3. Pursuant to Agreement by and in concurrence with the General Counsel for the Board, the time for requesting a hearing under the Order of Denial of License was extended to May 28, 1990 and Applicant mailed a request for hearing on May 22, 1990 which was received in the Board office May 25, 1990.

4. From and since the issuance of the Order of Denial of License dated November 17, 1989, further review of Applicant's application revealed Applicant's satisfactory completion of course work in physiotherapy.

5. Subsequent to the issuance of the Order of Denial of License dated November 17, 1989, Licensee has provided the Board with his transcript of grades from the National Board of Chiropractic Examiners indicating he has now successfully completed all three parts of the examinations given by the said national board.

6. Applicant attended Cleveland Chiropractic College, Kansas City, Missouri from the winter 1983 trimester through the Spring 1986 trimester during which period Applicant attained an accumulative grade point average of 1.920 on total academic hours of 2,816.

7. Cleveland Chiropractic College has an accredited status with the Council on Chiropractic Education.

8. Applicant attended Pacific College of Chiropractic (hereafter "Pacific") from January 5, 1987 through December 16, 1988 and attained an accumulative grade point average of 2.24 for 2,945 academic hours.

9. On December 16, 1988, Pacific conferred upon Applicant the degree of Doctor of Chiropractic based upon total academic hours of 5,050 (2,945 at Pacific and 2,105 transferred from Cleveland).

10. Although Applicant has indicated Pacific was accredited by the Council on Chiropractic Education from the date he entered that institution until June 25, 1988, no evidence has been submitted or other data supplied to allow the Board to determine that Pacific was accredited by the Council on Chiropractic Education during this period of time or should be accredited by the Board. Rather, the information available to the Board has indicated that Pacific was a recognized candidate for accreditation status through the Council on Chiropractic Education during Licensee's attendance at that institution.

11. On June 25, 1988, the Council on Chiropractic Education denied accreditation to Pacific. That denial decision was appealed

by Pacific and resulted in a Stay of the Denial Decision during the pendency of the appeal. As a result, Pacific continued on recognized candidate for accreditation status during the appeal process.

12. On December 27, 1988, eleven days after Applicant was granted his degree of doctor of chiropractic by Pacific and graduated by that institution, the decision to deny accreditation status was affirmed and became final at which time Pacific also lost its recognized candidate for accreditation status.

#### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-2803, the Board, as the sole and exclusive authorized to issue licenses to practice the healing arts in the State of Kansas, has jurisdiction in this matter.

2. The request for hearing on the Order of Denial of License was made within the time limits as extended pursuant to the agreement of and concurrence by the Board's General Counsel.

3. Applicant has completed adequate coursework in physiotherapy.

4. Applicant has provided proof of passing the required examinations for licensure by providing proof of passage of all three parts of the examinations given by the National Board of Chiropractic Examiners.

5. K.S.A. 65-2873(a)(2) provides that Applicants' for license by examination to practice any branch of the healing arts shall "present proof that the applicant is a graduate of an accredited healing arts school or college".

6. K.S.A. 65-2876 defines an accredited school or college of chiropractic as follows:

"An accredited school or college of chiropractic for the purpose of this act shall be a school or college teaching chiropractic which the board shall determine to have a standard of education not below that required for a recognized or accredited status with the council on chiropractic education. All such schools shall be approved by the board."

7. Even though Pacific continued on recognized candidate for accreditation status through the Council on Chiropractic Education from and after June 25, 1988 until the Final Order of Denial of Accreditation was issued December 27, 1988, standard of education cannot be determined to be equal to or above that required for recognized or accredited status with the Council on Chiropractic Education from and after June 25, 1988.

8. Pacific, at the time of Applicant's graduation, was not an accredited healing arts school or college as required by K.S.A. 65-2873(a)(2).

9. Although Applicant provided evidence he would be receiving a license to practice chiropractic in the State of Missouri, he has not provided proof satisfactory to the Board as required by K.S.A. 65-2833 that he has been in the active practice of chiropractic in the State of Missouri and that the State of Missouri maintains standards at least equal to those maintained by Kansas.

IT IS THEREFORE BY THE BOARD ORDERED AS FOLLOWS:

A. Applicant's application for endorsement for a license to practice chiropractic in the State of Kansas received in the Board

office November 2, 1989 should be denied for the reason that Applicant has failed to meet the qualifications as specified in either K.S.A. 65-2833 or K.S.A. 65-2873.

B. Applicant, pursuant to K.S.A. 77-511 and 77-537 is entitled to request a further hearing before the Board or Presiding Officer appointed by the Board on his application for endorsement.

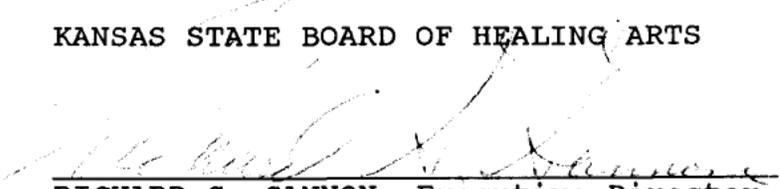
C. A request by Applicant for a hearing must be made in writing to the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603 within fifteen (15) days after service of this Order on Applicant.

D. This Order will become effective if a further hearing is not requested as above stated upon the expiration of the time requesting such a hearing.

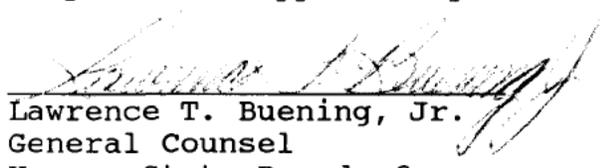
IT IS SO ORDERED.

DATED this 2nd day of August, 1990.

KANSAS STATE BOARD OF HEALING ARTS

  
RICHARD G. GANNON, Executive Director

Prepared and Approved by:

  
Lawrence T. Buening, Jr.  
General Counsel  
Kansas State Board of  
Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603  
(913) 296-7413

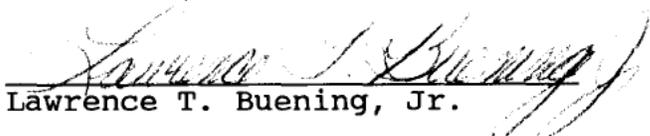
CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., do hereby certify that on the 2nd day of August, 1990, a true and correct copy of the above and foregoing Order Denying Application for License was deposited in the United States mail, first class, postage prepaid, addressed to:

Douglas L. Schnell  
Confidential  
Independence, MO 64055

Roger Calton  
Attorney at Law  
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Laguna Niguel, CA 92677

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Attorney at Law  
3600 South Noland Road, Suite L  
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Lawrence T. Buening, Jr.