

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
AUG 18 1998

In the Matter of)

JOHN T. SCHROLL, M.D.)

Kansas license no. 04-17350)

Case No. 98-00248

KANSAS STATE BOARD OF
HEALING ARTS

FINAL ORDER

NOW ON THIS Fifteenth Day of August, 1998, comes before the State Board of Healing Arts Respondent's Petition for Review of Initial Order. Respondent appears in person and through Thomas E. Wright, Attorney at Law. Petitioner appears through Stacey L. Cook, Associate Counsel.

After hearing the arguments of counsel, and having the agency record before it, the Board adopts the findings of fact and conclusions of law as stated in the Initial Order. The Board also considers and adopts Respondent's suggestion that the disciplinary order be an administrative fine rather than a public censure.

Administrative fines are authorized by K.S.A. 65-2863a. In determining the amount of administrative an fine to assess, the Board considers the nature of the violation of the healing arts act as well as the impact Respondent's conduct had on his patient. In this case, the Board notes that the propriety of selling goods and services during the course of a physician-patient encounter is the subject of a nation-wide debate. Included in this debate is the subject of selling goods in multi-level marketing systems. In this case, the Board is less concerned about the nature of the product or service which Respondent offered to his patient. The Board is more concerned with the predatory approach to the sale used by Respondent which interfered with the professional

communication between patient and physician. This resulted in the patient terminating the physician/patient relationship. Respondent should not require a precise statutory prohibition to be advised this behavior is unprofessional. The Board finds that the maximum administrative fine is appropriate under the circumstances.

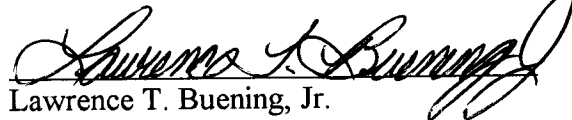
IT IS, THEREFORE, ORDERED that the Initial Order is modified, and that the public censure is hereby vacated.

IT IS FURTHER ORDERED that an administrative fine in the amount of \$5,000.00 is hereby assessed against Respondent, payable within thirty days following the effective date of this order.

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party may seek relief from a Final Order by filing a petition for judicial review in the District Court within 30 days following service of the order. A petition for reconsideration is not a prerequisite to judicial review. A petition for judicial review must be served upon Lawrence T. Buening, Jr., Executive Director, at 235 S. Topeka Blvd., Topeka, Kansas 66603.

DATED THIS 18th Day of August, 1998.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

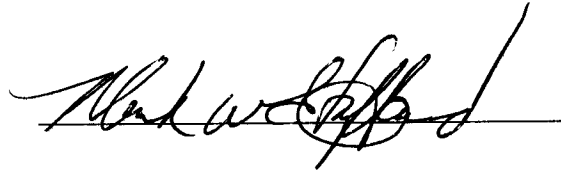
I certify that a copy of the foregoing Final Order was served this 18~~th~~ day of August, 1998 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

John T. Schroll, M.D.
89~~0~~01 W. 74th Street, Ste 248
Shawnee Mission, Kansas 66204

Thomas E. Wright
Attorney at Law
Commerce Bank Bldg., 2nd Floor
100 E. 9th Street
P.O. Box 3555
Topeka, Kansas 66601

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

Stacey L. Cook
Associate Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

A handwritten signature in black ink, appearing to read "Stacey L. Cook", written over a horizontal line.