

**EFFECTIVE AS A
FINAL ORDER**

DATE: 8/12/14

FILED *CAB*
JUL 24 2014

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

KS State Board of Healing Arts

In the Matter of)
)
STACY D. STRUBLE, D.C.)
A.K.A. STACY LANDIS)
Kansas License No. 01-04598)
_____)

KSBHA Docket No. 15-HA 00012

SUMMARY ORDER

NOW ON THIS 23rd day of July, 2014, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (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. Stacy D. Struble, D.C. ("Licensee"), A.K.A. Stacy Landis, was originally issued license number 01-04598 to practice chiropractic in the state of Kansas on February 13, 1999. Licensee's current license designation is active, and such license was last renewed on or about January 1, 2014.

2. Licensee's last known mailing address to the Board is: 3444 SE 6th Avenue, Topeka, Kansas 66607.

3. On or about August 27, 2013, the Board received an anonymous complaint consisting of a flyer that had been posted at a local middle school in Topeka, Kansas.

4. The flyer indicated that Licensee and her business partner were performing school sports physicals at Highland Park High School on August 9, 10, 12, and 13, 2013. The flyer identified Licensee as “DR. STACY LANDIS” and did not contain the appropriate words or letters to identify herself with the particular branch of the healing arts in which she holds a license.

5. On or about August 9, 10, 12 and 13th, 2013, Licensee provided sports physicals for approximately 274 youths during the course of the four (4) day mobile clinic.

6. On or about January 17, 2014, a Kansas State Board of Healing Arts Special Investigator II issued a subpoena to Licensee requesting that Licensee provide the Board with copies of: “any and all records in your possession and control or subject to your possession and control, including but not limited to radiology films and reports, pertaining to the patients that received physicals as a result of the attached flyer on dates listed August 9, 10, 12, 13, 2013.”

7. On or about February 3, 2014, Licensee’s practice partner, Dr. Connie Lang, D.C., hand-delivered medical records pertaining to approximately sixty-two (62) students that were examined on August 9, 10, 12, or 13, 2013.

8. Licensee responded to the Kansas State Board of Healing Arts Special Investigator II, stating she “attempted to reach the schools and request copies of the physicals we did on the dates in questions. Some schools were able to provide us with copies and some were not.”

9. Licensee indicated she did not keep any medical records for the approximate 274 students served during the four (4) day mobile clinic.

10. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board’s Disciplinary Panel #29. The Disciplinary Pane authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

Applicable Law

11. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(b) Licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency. The licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board.

(k) Licensee has violated any lawful rule and regulation promulgated by the Board.

12. K.S.A. 65-2837(b) of the Kansas Healing Arts Act states in pertinent part:

(12) Licensee has committed conduct likely to deceive, defraud or harm the public.

(25) Licensee has failed to keep written medical records which accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results.

13. K.S.A. 65-2885 of the Kansas Healing Arts Act states in pertinent part:

No person licensed hereunder shall use a title in connection with his name which in any way represents him as engaged in the practice of any branch of the healing arts for which he holds no license; provided, however, that every such licensee when using the letters or term "Dr." or "Doctor" shall use the appropriate words or letters to identify himself with the particular branch of the hearing arts in which he holds a license."

14. K.A.R. 100-24-1 of the Kansas Healing Art Regulations states in pertinent part:

(a) Each licensee of the board shall maintain an adequate record for each patient for whom the licensee performs a professional service

(b) Each patient record shall meet these requirements:

- (1) Be legible;
- (2) contain only those terms and abbreviations that are or should be comprehensible to similar licensees;
- (3) contain adequate identification of the patient;
- (4) indicate the dates any professional service was provided;
- (5) contain pertinent and significant information concerning the patient's condition;
- (6) reflect what examinations, vital signs, and tests were obtained, performed, or ordered and the findings and results of each;
- (7) indicate the initial diagnosis and the patient's initial reason for seeking the licensee's services;
- (8) indicate the medications prescribed, dispensed, or administered and the quantity and strength of each;
- (9) reflect the treatment performed or recommended;
- (10) document the patient's progress during the course of treatment provided by the licensee; and
- (11) include all patient records received from other health care providers, if those records formed the basis for a treatment decision by the licensee.

Conclusions of Law

15. The Board finds that Licensee violated K.S.A. 65-2836(b), when she failed to properly designate herself as a D.C. on the flyer and when she failed to keep written medical records for approximately 274 youth. It is unprofessional to not properly designate one's designation of M.D., D.O., or D.C. and to fail to maintain written medical records that meet the minimum requirements as listed in Kansas statutes and regulations.

16. The Board finds that Licensee violated K.S.A. 65-2836(k), when she failed to properly designate herself as a D.C. on the flyer and when she failed to keep written medical records and follow the minimum requirements for such records as outlined in K.A.R. 100-24-1 for approximately 274 youth.

17. The Board finds that Licensee violated K.S.A. 65-2837(b)(12) when she failed to properly designate herself as a D.C. on the flyer and when she failed to keep written medical records for the approximate 274 youth evaluated during the four (4) day clinic.

18. The Board finds that Licensee violated K.S.A. 65-2837(b)(25) when she failed to keep written medical records for approximately 274 youth during the four (4) day clinic.

19. The Board finds that Licensee violated K.S.A. 65-2885 when she failed to properly designate herself as a D.C. on the flyer.

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

21. 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 person other than Licensee.

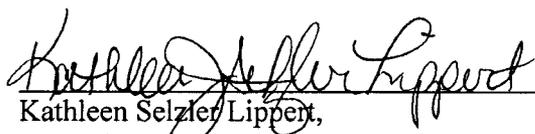
22. The action of restriction is within the scope of The Board of Healing Arts of the State of Kansas Guidelines for Imposition of Disciplinary Sanctions for the violations set forth above.

IT IS, THEREFORE, ORDERED that Licensee's license is hereby **RESTRICTED IN THE FORM OF A LIMITATION** for violating the Kansas Healing Arts Act. Licensee's license shall be restricted in the form of a limitation; in that, Licensee will be prohibited from performing physicals for individuals receiving a physical pursuant to the Kansas State High School Activities Association.

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 23 day of July, 2014.

KANSAS STATE BOARD OF HEALING ARTS



Kathleen Selzler Lippert,
Executive Director

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 Kathleen Selzler Lippert, 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 a true copy of the foregoing **FINAL ORDER** was served this 12 day of August, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Stacy Struble, D.C.
Heights Atlas Orthogonal Chiropractic Clinic
3444 SE 6th Avenue
Topeka, KS 66607

And a copy was hand-delivered to:

Seth K. Brackman, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, 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.



Cathy Brown, Executive Assistant