

FILED *CAB*

JUL 18 2012

KS State Board of Healing Arts

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

In the Matter of)
JOSEPH SCOTT WARD, D.C.)
)
Application for Kansas Licensure)
_____)

KSBHA Docket No. 12-HA00089

FINAL ORDER DENYING LICENSURE

NOW on this 22nd day of June, 2012, comes before the Kansas State Board of Healing Arts (“Board”) the application of Joseph Scott Ward, D.C. (“Applicant”) for a license to practice chiropractic in the State of Kansas. Licensee appears in person and is *pro se*. Jessica A. Bryson, Associate Litigation Counsel, appears on behalf of the Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. On or about January 6, 2012, Applicant submitted an application for a license to practice chiropractic in the State of Kansas. Such application was filed with the Board on or about May 29, 2012.
2. On or about May 29, 2012, Associate Litigation Counsel filed a Response in Opposition to Application for License to Practice Chiropractic in the State of Kansas (“Response”).
3. The allegations contained in the Response are incorporated by reference herein.

4. The Board finds that Applicant has an extensive criminal history and failed to disclose several of his criminal convictions and one arrest on his application for licensure.

5. Pursuant to K.S.A. 65-2836(a), there are grounds to deny Applicant's application because Applicant committed fraud or misrepresentation in applying for or securing an original license when he failed to disclose such convictions and an arrest.

6. Furthermore, Applicant has been convicted of three (3) Class A misdemeanors which is grounds to deny Applicant's license to practice chiropractic pursuant to K.S.A. 65-2836(c).

7. The Board finds that Applicant has been working at the Hill Chiropractic Clinic in Lawrence, Kansas, since January 2008. He listed his job description/title as "Chiropractic Office Assistant" in his application. The sign in front of Hill Chiropractic Clinic lists "James A. Dray, D.C.", John H. Hill, II, D.C.," and the applicant, "Joseph S. Ward, D.C.". A legal assistant with the Board attested that she was told by Dr. Hill that Dr. Ward was licensed to practice chiropractic in Kansas and Missouri. However, Dr. Hill has not been licensed to practice chiropractic in either state.

8. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(4), there are grounds to deny Applicant's application due to the fact that the use of the letters "D.C" after Applicant's name in connection with two actual licensed chiropractors on a sign for the practice constitutes the "use of any letters, words, or terms, as an affix, on stationary, in advertisements, or otherwise indicating that such person is entitled to practice a branch of the healing arts for which such person is not licensed."

9. Pursuant to K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(12), Applicant's conduct of holding himself out to the public as a licensed chiropractor when he is not licensed constitutes conduct likely to deceive, defraud, or harm the public.

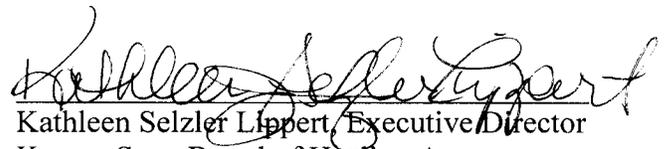
10. While Applicant characterized his conduct in a more favorable light, he did not deny the material allegations contained in the Response. Applicant's misrepresentation in his application for licensure and holding himself out as a licensed chiropractor constitute acts directly associated with chiropractic practice. As such, the Board concludes that Applicant's criminal history coupled with his deceptive conduct demonstrate a lack of moral fitness to hold licensure.

11. Based on violations of K.S.A. 65-2836(a), K.S.A. 65-2836(c), K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(4) and K.S.A. 65-2837(b)(12), there are grounds to deny Applicant's applications for licensure.

12. The Board finds Applicant's actions and conduct warrant denial of Applicant's application for licensure to practice chiropractic in the State of Kansas.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant's application for a license to practice chiropractic in the State of Kansas is hereby DENIED.

IT IS SO ORDERED THIS 18 DAY OF JULY, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above foregoing **FINAL ORDER DENYING LICENSURE** was served this 18th day of July, 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Joseph Scott Ward, D.C.
2708 Meadow Drive
Lawrence, KS 66047

And a copy was hand-delivered to:

Jessica A. Bryson, 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

And the original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown, Executive Assistant