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OCT 27 2011

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

KS State Board of Healing Arts

In the Matter of)
Wasse Zafer, D.C.)
)
Kansas License No.: 01-04097)
_____)

KSBHA Docket No. 12-HA00013

FINAL ORDER REVOKING LICENSURE

NOW on this 21st day of October 2011, comes before the Kansas State Board of Healing Arts ("Board") the Board's own Petition alleging Wasse Zafer, D.C. failed to comply with the terms of a Consent Order filed on December 6, 2010 in KSBHA Docket No. 09-HA00184 (Consent Order). Licensee appeared appears in person. Stacy R. Bond, Associate Litigation Counsel, appears on behalf of the Petitioner Board.

Pursuant to the authority granted to Board by 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 file, hearing the statements and arguments of the parties, hearing the testimony of Licensee, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and orders:

I. Findings

1. Licensee is licensed to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-04097 on approximately February 8, 1992.
2. Licensee's last known mailing address provided to the Board is: 450 E. Santa Fe, Olathe, Kansas 66061.
3. On or about December 6, 2010, Licensee entered into the Consent Order in lieu of conducting formal disciplinary proceedings for alleged violations of K.S.A. 65-2836 and 65-

2837 of the Kansas Healing Arts Act. The terms of the Consent Order are hereby incorporated by reference herein in their entirety.

4. On or about July 25, 2011, Petitioner filed a Petition in this matter alleging that Licensee was in violation of K.S.A. 65-2836(k) of the Kansas Healing Arts Act for violating terms of the Consent Order by failing to maintain a monitoring contract with Affiliated Monitors, Inc., as required by the Consent Order; and, for failing to provide all x-rays taken by Licensee to a chiropractor who is board-certified in radiology for review and interpretation, as required by the Consent Order. The allegations set forth in the petition are hereby incorporated by reference herein in their entirety. The petition sought the revocation of Licensee's license to practice chiropractic in the State of Kansas.

5. Licensee was served with a copy of the Petition on or about July 25, 2011, by United States Mail, first-class postage prepaid.

6. On or about August 10, 2011, Licensee filed an answer to the petition seeking dismissal of the petition.

7. On or about August 22, 2011 notice of a conference hearing on the petition, on October 21, 2011, was sent to Licensee's address of record with the Board and to Licensee's attorney of record with the Board.

8. At the hearing, Licensee admitted to the allegations set forth in the petition, but stated that he was currently in compliance with the Consent Order. Licensee provided the Board with a copy of his current monitoring contract with Affiliated Monitors, Inc., and documentation showing that he was sending all x-rays that he takes to a chiropractor who is board-certified in radiology.

9. Paragraph no. 24 of the Consent Order provides that:

Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for bylaw, including but not limited to suspension or revocation of Licensee's license to practice chiropractic in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. ...

II. Applicable Law

- a. K.S.A. 77-501 et seq. – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801 et seq. – Kansas Healing Arts Act
- c. K.S.A. 65-2836(k) provides that the Board of Healing Arts may revoke or suspend a licensee's license upon a finding that the licensee has violated any lawful order or directive of the board previously entered by the board.

III. Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions

Based upon the findings of fact, applicable law, and policy set forth above, the Board hereby concludes that Licensee violated a lawful order or directive of the Board by failing to maintain a monitoring contract with Affiliated Monitors, Inc., as required by the Consent Order filed in this matter, and by failing to provide all x-rays taken by Licensee to a chiropractor who is

board-certified in radiology for review and interpretation, as required by the Consent Order filed in this matter, in violation of K.S.A. 65-2836(k) of the Kansas Healing Arts Act.

V. Order

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee violated a lawful order or directive of the board previously entered by the board.

IT IS FURTHER ORDERED that Licensee's license to practice chiropractic in Kansas is hereby REVOKED.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate

IT IS SO ORDERED THIS 27 DAY OCTOBER, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:


Randy E. Stookey - #21885
Associate General Counsel
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.

Notice of Unlawful Corporate Practice of Chiropractic

PLEASE TAKE NOTICE that your license to practice chiropractic in the State of Kansas has been revoked. As such, you are no longer a qualified shareholder for any professional company that provides chiropractic services in the State of Kansas, and may no longer lawfully hold an ownership interest in any professional company that provides chiropractic services in the State of Kansas.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **Final Order** was served this 27th day of October, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Wasse Zafer, D.C.
450 E. Santa Fe
Olathe, KS 66061

N. Larry Bork
Goodell, Stratton, Edmonds & Palmer, L.L.P.
515 S. Kansas Avenue
Topeka, KS 66603
Attorney for Licensee

And a copy was hand-delivered to the following:

Stacy R. Bond, 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

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