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

KS State Board of Healing Arts

In the Matter of)	
Carroll Zahorsky, M.D.)	
)	
Kansas License No. 04-20386)	Docket No. 09-HA00150
_____)	

FINAL ORDER

NOW ON THIS 17th day of March, 2009, the above-entitled matter comes on before John (Jack) Confer, Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

1. On February 13, 2009, the Executive Director issued a Summary Order regarding the license of Carroll Zahorsky, M.D. ("Licensee") to practice as a medical doctor in the state of Kansas. for a violation of K.S.A. 65-2836(b) and K.S.A 65-2837(b)(12). The Summary Order publicly censured Licensee and contained a provision assessing a \$500 civil fine against Licensee, due and payable within 30 days of the Summary Order becoming final.

2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

3. No hearing has been requested by any party; therefore the Summary Order became effective as a final order on March 4, 2009.

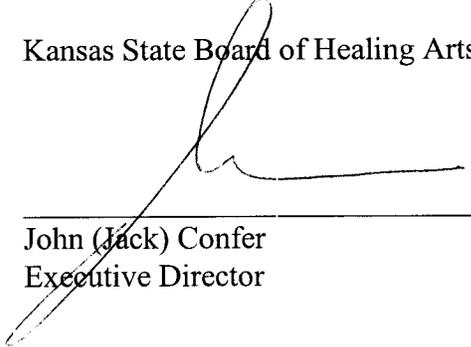
IT IS SO ORDERED.

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed pursuant to K.S.A 77-613(e), the Agency Officer to be served on behalf of the Kansas State Board of Healing Arts is Jack Confer, Executive Direction, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603.

Dated this 12th day of March 2009.

Kansas State Board of Healing Arts



John (Jack) Confer
Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 12th day of March 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Carroll Zahorsky, M.D.
4701 College Blvd., Suite 206
Leawood, Kansas 66221

and a copy was hand-delivered to:

Stacy R. Bond
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

And the original was filed with the office of the Executive Director:

John (Jack) Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant

FEB 13 2009

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

KS State Board of Healing Arts

In the Matter of)
Carroll Zahorsky, M.D.)
)
)
Kansas License No. 04-20386)
_____)

Docket No. 09-HA 00150
Investigation No. 07-00466

SUMMARY ORDER

NOW ON THIS 13TH day of February, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Carroll Zahorsky, M.D. ("Licensee") was originally issued license number 04-20386 to practice medicine and surgery in the state of Kansas on December 9, 1983. Licensee's license is active, having last been renewed on or about July 1, 2008.
2. Licensee's last known mailing address as provided to the Board at the time of his renewal is 4701 College Blvd., Suite 206, Leawood, Kansas 66221.
3. On or about March 21, 2007, the Board received a complaint alleging licensee was engaging in prohibited advertising practices. Enclosed with the complaint was a copy of an advertisement that was placed in the Kansas City Star on March 21, 2007.

4. The advertisements submitted by the complainant was in the question and answer section of "Health Talk". In this section was a question answered by Licensee concerning successful treatment for low back and leg pain.

5. In this answer, Licensee stated that "The 1st IDD therapy clinic in the greater Kansas City area was opened by Dr. Zahorsky four years ago. It is the only known clinic to perform IDD therapy exclusively. The treatment is safe, comfortable and FDA approved."

6. Licensee was contacted by Board investigator on July 11, 2008 concerning the allegation of claiming FDA approval for IDD therapy. Licensee was asked to submit proof of FDA approval for IDD therapy to support his advertisement.

7. On September 11, 2008, Licensee submitted a response to the complaint but did not provide proof that IDD therapy is an FDA approved treatment for low back and neck pain.

8. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions pursuant to Board Guidelines.

Applicable Law

9. K.S.A. 65-2836 states, in pertinent part: A licensee's license may be revoked, suspended, or limited or the licensee may be publicly or privately censured, or an application for license or for reinstatement of a license may be denied upon finding of the existence of any of the following grounds:

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency.

10. K.S.A. 65-2837 states, in pertinent part: As used in K.S.A. 65-2836, and amendments thereto, and in this section:

(b) Unprofessional conduct means: (12) conduct likely to deceive, defraud or harm the public.

Conclusions of Law

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

12. The Board finds that Licensee violated K.S.A. 65-2836 and K.S.A. 65-2837(b)(12) by advertising IDD therapy as being an FDA approved treatment for low back and leg pain.

13. Based on the facts and circumstances set forth herein, it appears that 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 the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Carroll Zahorsky, M.D.

IT IS, THEREFORE, ORDERED that Licensee is hereby fined PUBLICLY CENSURED and assessed a civil fine in the amount of \$500.00. Such fine is payable in full to the “Kansas Board of Healing Arts” within thirty (30) days of this order becoming final.

NOTICE AND OPPORTUNITY FOR HEARING

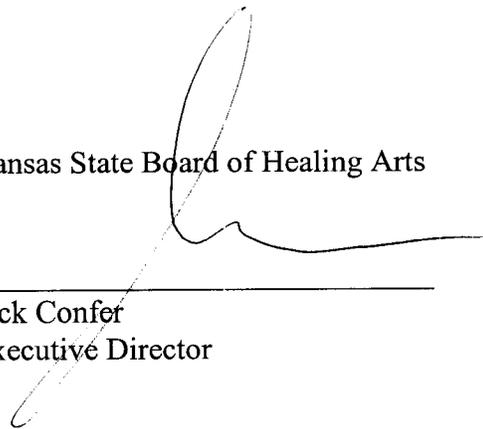
PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Jack Confer, Executive

Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

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 13th day of February, 2009.

Kansas State Board of Healing Arts



Jack Confer
Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 13th day of February, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

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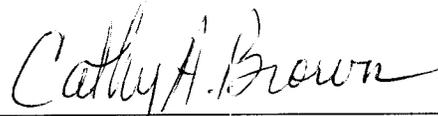
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Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown/
Executive Assistant