

FILED 

DEC 21 2018

KS State Board of Healing Arts

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

In the Matter of )  
TARA S. ZELLER, D.C. )  
 )  
Kansas License No. 01-05852 )  
\_\_\_\_\_ )

Docket No. 19-HA00041

EMERGENCY ORDER OF TEMPORARY LIMITATIONS AND  
EMERGENCY PROCEEDINGS

NOW on this 21st day of December 2018, this matter comes before the Presiding Officer on Petitioner’s Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings (“Motion”). Upon consideration of the agency record, including the parties’ respective pleadings and attached exhibits, the Presiding Officer finds, concludes and orders as follows:

1. On November 6, 2018, Petitioner filed a Petition alleging that Tara Zeller D.C. (“Licensee”) committed violations of the Healing Arts Act and requesting disciplinary action against Licensee’s license.
2. Petitioner also filed the Motion on November 6, 2018 seeking a temporary suspension of Licensee’s license to practice chiropractic in Kansas, pursuant to K.S.A. 77-536 and K.S.A. 65-2838(c), which incorporated the allegations of the Petition by reference.
3. On November 30, 2018, upon request of counsel for Licensee, the Presiding Officer advised all parties that he would allow additional time, to December 7, 2018, to respond to or supplement the Motion filed and served on November 6, 2018, including correcting any factual errors perceived to exist by any party in the Motion.
4. On December 6, 2018, upon request of counsel for Licensee, the Presiding Officer advised all parties that he would allow more additional time, to December 12, 2018, to respond

to or supplement the Motion filed and served on November 6, 2018, including correcting any factual errors perceived to exist by any party in the Motion.

5. On December 13, 2018, Licensee filed a response to the Motion and an Answer to the Petition.

6. The Board finds, pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(c), that there is reasonable cause to believe that:

- a. grounds exist for disciplinary action; and
- b. the person's immediate continuation in practice would constitute an imminent danger to the public health and safety.

7. The grounds that support such reasonable cause include, but are not limited to the following:

- a. The facts and documentary evidence as set forth and incorporated in the Motion at paragraphs 1 through 3, 8 through 20, the supplement to the Motion filed on November 14, 2018, and the Petition at paragraphs 1 through 32, all such facts and documentary evidence incorporated here by reference.
- b. Those facts described in the expert report included as Exhibit 2 to the supplement to the Motion filed on November 14, 2018, which contained the expert opinions that Licensee violated the standard of care in multiple respects and committed acts of gross negligence in relation to the care provided to Patients 1, 2, and 3.
- c. The advertising materials included in the supplemental materials, which include claims that IV therapy provided by Licensee could treat auto

immune issues, allergies, hormonal issues, short bowel syndrome, and other medical conditions.

- d. The physician who was purportedly delegating patient care and treatment to Licensee has denied that she delegated tasks to Licensee;
- e. Licensee provided or oversaw the provision of IV therapies that were contraindicated based on the patient's medical history without appropriate medical supervision;
- f. The evidence described in the paragraphs and supplemental material incorporated above provide reasonable cause to believe that Licensee violated the Healing Arts Act by treating or attempting to treat patients with IV medications and did so in a manner that places patients at risk of serious harm, including but not limited to failing to specify and control dosages and rates of infusion and utilizing IV magnesium treatment (a "High Alert Medication" when delivered intravenously) without appropriate medical oversight and documentation of patient care.
- g. There is no indication that Licensee has adjusted her practice in respect to the facts described above, and therefore there are reasonable grounds to believe that Licensee's violations are continuing in nature.

8. The Board further finds that the legal authorities and policy considerations contained in the Motion at paragraphs 5 through 7 and the Petition at paragraphs 22 through 25 and 33 through 39 provide reasonable grounds to justify the requested emergency suspension pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(c).

9. Therefore, pursuant to K.S.A. 77-536(b), Licensee's license to practice chiropractic is

temporarily limited as follows:

- Licensee shall not practice in connection with the IV Nutrition Clinic referenced at paragraphs 5 and 6 of the Petition, or any substantially similar IV therapy clinic or practice, including but not limited to patient consultations or recommendations in connection with IV therapy, mixing IV bags in connection with IV therapy, administering IV therapy infusions, or delegating such tasks to others.

10. A notice of expedited hearing to determine whether the temporary suspension shall remain in place during the pendency of proceedings pursuant to the Petition will follow this Order.

**IT IS, THEREFORE, ORDERED** that the license of Tara Zeller D.C., is hereby **LIMITED** on a temporary basis pending a hearing to determine if there is adequate cause for the suspension to remain in effect during the pendency of the proceedings on the underlying Petition.

**IT IS SO ORDERED** this 21st day of December, 2018.

Kansas State Board of Healing Arts

/s/Robin Durrett  
Robin Durrett, D.O.  
Presiding Officer

**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing Order was served this 21st day of December, 2018 by depositing the same in the United States Mail, first-class postage prepaid, addressed to:

Tara Zeller, DC  
[REDACTED]  
Overland Park, KS 66213  
*Licensee*

Brian J. Niceswanger, #12531  
Stephanie A. Preut, #24971  
82 Corporate Woods, Suite 900  
10851 Mastin Boulevard  
Overland Park, KS 66210  
(T) 913.701.6810  
(F) 913.341.2293  
[KCCiviLit@evans-dixon.com](mailto:KCCiviLit@evans-dixon.com)  
*Attorneys for Licensee*

And copies were hand-delivered to:

Jared T. Langford, Associate Litigation Counsel  
Susan R. Gering, Deputy Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Lower Level, Ste A  
Topeka, KS 66612

And a copy was given to:

Robin Durrett, D.O.  
KSBHA Presiding Officer  
Kansas State Board of Healing Arts

and the original was filed with the office of the Executive Director.

  
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Jennifer Cook  
Legal Assistant