

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

FILED

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JAN 16 2019

KS State Board of Healing Arts

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

Docket No. 19-HA00041

**JOURNAL ENTRY SUSTAINING PETITIONER'S MOTION TO RESCIND
EMERGENCY ORDER**

On this 16th day of January 2019, this matter comes before the Presiding Officer on the Petitioner's Motion to Rescind Emergency Order Filed December 21, 2018 ("Motion"). Upon consideration of the Motion, 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 a motion seeking a temporary suspension of Licensee's license to chiropractic, pursuant to K.S.A. 77-536 and K.S.A. 65-2838(c), on November 6, 2018, which incorporated the allegations of the Petition by reference.
3. On November 14, 2018, Petitioner filed supplemental materials in support of the November 6, 2018 motion.
4. 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 November 6, 2018 motion.
5. 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 November 6, 2018 motion, including correcting any factual errors perceived to exist by any party in the November 6, 2018 motion.
6. On December 13, 2018, Licensee filed a response to the Motion and an Answer to the Petition.

7. On December 21, 2018, the Presiding Officer entered the Emergency Order of License Limitations and Emergency Proceedings (“Order”). The Order granted, in part, the November 6, 2018 motion seeking a temporary suspension of Licensee’s license. The Order temporarily limited Licensee’s license as described in paragraph No. 9 of the Order.
8. On January 15, 2019, Petitioner filed the instant Motion. The Motion advised the Presiding Officer that Licensee has agreed to modify her practice in a manner that relieves Petitioner's immediate concerns that her continued practice of medicine will constitute an imminent danger to public health, safety, or welfare. The Motion further advised the Presiding Officer that the Licensee was not opposed to the Motion.
9. Based on the representations made in the Motion, the Presiding Officer sustains the Motion. The Notice of Hearing On Emergency Order Limitations filed January 7, 2019 is therefore withdrawn. A hearing date will be noticed for a formal hearing on the Petition.
10. The Motion is granted without prejudice to any future emergency motions that may be filed in this matter. Nothing in this Journal Entry should be construed as a finding or conclusion on any of the claims or defenses presented in the Petition or Answer.

THEREFORE, Petitioner’s Motion to Rescind Emergency Order Filed December 21, 2018 is **SUSTAINED**. The Emergency Order of License Limitations and Emergency Proceedings, filed December 21, 2018, is **RESCINDED**.

This Journal Entry is entered on the 16th day of January, 2019.

Kansas State Board of Healing Arts

/s/ Tucker Poling, for
Robin Durrett, D.O.
Presiding Officer

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Order was served this 16th day of January, 2019 by depositing the same in the United States Mail, first-class postage prepaid, and emailing, addressed to:

Tara Zeller, DC

██████████
Overland Park, KS 66213
Licensee

Brian J. Niceswanger, #12531
Stephanie A. Preut, #24971
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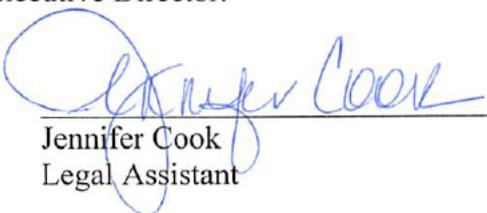
And copies were hand-delivered to:

Jared T. Langford, Associate Litigation Counsel
J. Todd Hiatt, 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.



Jennifer Cook
Legal Assistant