

BEFORE THE KANSAS STATE BOARD OF HEALING ARTS

FILED 

FEB 22 2006

In the Matter )  
 )  
 of )  
 )  
 Ronald J. Zoeller, D.C., )  
 Kansas License No. 01-03285 )  
 Respondent )  
 )  
 \_\_\_\_\_ )

KS State Board of Healing Arts  
Case No. 04 HA 66  
OAH No. 04HA0006

**FINAL ORDER**

Now on this 11<sup>th</sup> day of February, 2006, pursuant to K.S.A. 77-527, the above-referenced matter comes before the Kansas State Board of Healing Arts for review of the Initial Order issued by Presiding Officer Edward J. Gaschler, Office of Administrative Hearings. Petitioner appears by Kathleen Selzler Lippert. Respondent appears in person and by counsel Tom L. Green.

Following issuance of the September 20, 2005 Initial Order, on October 10, 2005 Petitioner filed a Petition for Review of Initial Order.

The matter came on for review before the Kansas Board of Healing Arts on December 10, 2005, but was continued at the request of Respondent until February 11, 2006.

Having reviewed the Initial Order and Petitioner's Petition for Review, and heard statements and arguments of counsel, the Board, with the exception of Board members Gary Counselman and Carol Sadar who recuse themselves, retires to deliberate.

Following deliberations the Board makes the following determinations:

- 1. The Board upholds and adopts the Findings of Fact as presented in the Initial

Order.

2. The Board upholds and adopts the Conclusions of Law as presented in the Initial Order.

3. However, due to seriousness with which the Board considers the two DUI convictions, the Board remains concerned about **(Confidential)** **(Confidential)** and any applicable monitoring safeguards. Consequently, the Board makes the following orders:

a. The public censure is hereby rescinded.

b. **(Confidential)**

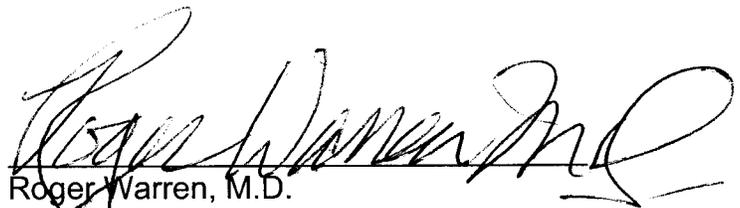
**(Confidential)**

c. **(Confidential)**

**(Confidential)**

d. If recommendations are made, Respondent shall comply with the recommendations for 5 years; however, 2 years are waived with Respondent being given credit for 2 years of court monitoring for the DUI convictions.

IT IS SO ORDERED.



Roger Warren, M.D.  
Chair, Kansas State Board of Healing Arts

**Notice of Relief from Final Order**

This is a Final Order. It is effective upon the date indicated in the below Certificate of Service unless a stay is granted pursuant to K.S.A. 77-528. Within 15 days after service of the Final Order, any party may file a petition for reconsideration with the Kansas State Board of Healing Arts. Such petition must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking judicial review. Judicial review may be had by filing a petition for judicial review with the appropriate district court as provided in the Kansas Act for Judicial Review, K.S.A. 77-601 et seq. The agency officer who may receive service of a petition for judicial review on behalf of the agency is Larry Buening, Executive Director, Kansas State Board of Healing Arts.

**Certificate of Service**

This is to certify that on the 21<sup>st</sup> day of February, 2006, a true and correct copy of the foregoing FINAL ORDER was deposited in the U.S. mail, first class postage prepaid, addressed to:

Ronald J. Zoeller, D.C.  
Zoeller & Zoeller  
2900 SW Atwood  
Topeka, Kansas 66616

and

Tom L. Green  
Attorney for Dr. Zoeller  
525 S. Topeka Blvd.  
Topeka, Kansas 66603

and

Kathleen Selzler Lippert  
Kansas State Board of Healing Arts  
235 S. ~~Kansas~~ <sup>Topeka</sup> Avenue  
Topeka, Kansas 66603-3068



Camille Nohe  
Assistant Attorney General/General Counsel to  
the Board in Docket No. 04-HA-66  
On behalf of the Board