

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

In the Matter of)	
Ronald J. Zoeller, D.C.)	
)	
Kansas License No. 01-03285)	KSBHA Docket Nos. 11-HA00085
)	and 11-HA00086
)	

FINAL ORDER FOLLOWING CONFERENCE HEARING
(Pursuant to K.S.A. 77-501, et seq.)

NOW, on this 17th day of June, 2011, comes before the Kansas State Board of Healing Arts (“Board”) the Petition for discipline against Ronald J. Zoeller (“Licensee”) in Docket No. 11-HA00085. Also before the Board, is the Application for Change of License Designation/Type filed by Licensee in Docket No. 11-HA00086. Licensee appears in person and through counsel, Mark W. Stafford. Stacy R. Bond, Associate Litigation Counsel, appears for the Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, 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 following a Conference Hearing in the above-captioned matters. Members of the Board serving on the Disciplinary Panel for these matters were recused from participation. Additionally, Board Members Ray Conley, Gary Counselman, and Frank Galbraith were recused and Kathleen Selzler Lippert, Executive Director, and Kelli Stevens, General Counsel, were also recused.

By agreement of the parties, the docket numbers are consolidated for hearing. The parties submit agreed Stipulations of Fact and Exhibits 1 through 26 to the Board.

The agreed stipulations and exhibits are admitted. Additionally, Licensee's Exhibits 27 and 28 are admitted without objection.

A Protective Order is hereby entered, pursuant to confidential and K.S.A. 65-4925, to protect all confidential information.

After reviewing the file, hearing testimony of Licensee and arguments of the parties, reviewing the parties agreed Stipulations of Fact, and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions of law, and order:

I. Findings of Fact

1. Licensee has been entitled to practice chiropractic in the State of Kansas, having been issued License No. 01-03285 on approximately June 15, 1973.
2. Licensee's last known mailing address provided to the Board is: confidential confidential Topeka, Kansas 66604.
3. On or about January 11, 2011, Licensee renewed his chiropractic license with an exempt designation. Thereafter, on or about February 16, 2011, Licensee submitted an application for change of license designation/type requesting a change to active designation.
4. On April 28, 2011, the Board filed a Response in Opposition to Application for Change of Designation/Type to Practice Chiropractic, opposing Licensee's requested status change and requesting a conference hearing be scheduled in the matter.

5. On April 27, 2011, a Petition was filed against Licensee alleging that he violated the Healing Arts Act.

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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 – Revocation, suspension, limitation or denial of licenses; censure of licensee; grounds

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 of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #16, the Applicable Law and the Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

- 17. On or about January 11, 2011, Licensee renewed his chiropractic license with an exempt designation. Thereafter, on or about February 16, 2011, Licensee submitted an application for change of license designation/type requesting a change to active designation.

18. On April 28, 2011, the Board filed a Response in Opposition to Application for Change of Designation/Type to Practice Chiropractic, opposing Licensee's requested status change and requesting a conference hearing be scheduled in the matter.

19. On April 27, 2011, a Petition was filed against Licensee alleging that he violated the Healing Arts Act.

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33. Pursuant to K.S.A. 65-2836, the Board has grounds to revoke, suspend, censure, fine, place on probation or otherwise limit Licensee's license for a violation of the Kansas Healing Arts Act.

34. Records maintained by the Board and the agreed Stipulations of Fact show that Licensee has repeatedly violated the Healing Arts Act and has been the subject of prior Board actions.

35. Pursuant to the Board's Guidelines for the Imposition of Disciplinary Sanctions, a violation of K.S.A. 65-2836(k) falls under sanctioning grid categories, 2A and/or 2B. The presumed sanction as modified for prior board actions (prior to adjustment for aggravating/mitigating factors) is revocation.

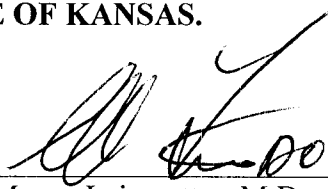
V. Order

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:

36. Licensee's application for change of license designation/type requesting a change to active designation is hereby **DENIED**.

37. Licensee's license to practice chiropractic in the State of Kansas is hereby **REVOKED**.

IT IS SO ORDERED THIS 8th DAY OF JULY, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



M. Myron Leinwetter, M.D.
Board President
Kansas State Board of Healing Arts

PREPARED AND APPROVED BY:



Janith A. Lewis, #18115
Acting as Special General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. 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, Kansas 66612.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Final Order was served this 11th day of July, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Ronald J. Zoeller, D.C.
confidential
Topeka, KS 66604

Mark Stafford
Attorney for Licensee
Holbrook & Osborn, P.A.
107 SW 6th Avenue, Suite 210
Topeka, KS 66603

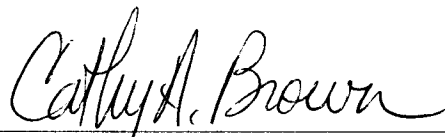
And a copy was hand-delivered to the following:

Stacy R. Bond
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

And the original was filed with:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612



Cathy Brown
Executive Assistant