



5. Based on all the information presented in the case that is part of the agency record, there is Confidential Licensee has an inability to practice the healing arts with reasonable skill and safety.

6. Confidential

7.

8. Confidential

The Order required in part:

a. Licensee to immediately and fully comply, at his own expense, with the February 2006 Final Order;

b. Confidential

c.

d.

e.

f.

9. The Presiding Officer has reviewed evidence that Licensee has failed to sign a release of information authorizing the Kansas Board of Healing Arts to obtain information from Confidential

#### Conclusions of Law

1. Confidential

2. The Healing Arts Act provides that investigative information can be presented to the Presiding Officer and used Confidential K.S.A. 65-2836(i).

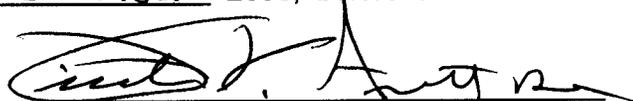
3. Confidential
- 4.
5. The Presiding Officer concludes that Licensee has failed to comply with the Order issued on September 29, 2006, requiring that he sign a release of information authorizing Kansas Board staff to obtain information Confidential
6. Licensee's license may be suspended for a violation of a direct Board Order. Specifically, K.S.A. 65-2836 states, "Upon a find of the existence of any of the following grounds: 'The licensee has violated any lawful order or directive of the Board previously entered by the Board'". K.S.A. 65-2836(k).
7. The Presiding Officer concludes Licensee has failed to comply with K.S.A. 65-2836(i), which requires, "The licensee shall submit to the board a release of information authorizing the board to obtain a report Confidential
8. Licensee's license may be suspended for a violation of K.S.A. 65-2836(i).
9. Licensee was represented by counsel during the hearing on September 28, 2006, on the Confidential Pursuant to K.S.A. 65-2836(i). The September 28, 2006, hearing resulted in the Order Confidential Pursuant to K.S.A. 65-2836(i). The Order provided that a default and final order suspending Licensee's license may be entered without taking testimony or the presentation of evidence.
10. The Presiding Officer further concludes that because Licensee has violated K.S.A. 65-2836, the Board may suspend his license to practice the healing arts.

**IT IS THEREFORE ORDERED** that a protective order is hereby entered to prevent the disclosure of any information contrary to 42 CFR Part II and K.S.A. 65-2836(l), 65-4924, and 65-2839a(d) and (e).

**IT IS THEREFORE ORDERED** that because Licensee has failed to authorize Confidential to release reports or information to the KBHA, Licensee's license to practice the healing arts in Kansas is suspended.

Please take notice this is an Order issued by the Presiding Officer. A party to an agency proceeding may seek review of an Order issued by a Presiding Officer by filing a petition for review within 15 days following the service of the Order. A petition for review must be filed with Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

Dated this 11<sup>th</sup> day of December 2006, before the Kansas Board of Healing Arts.



Vinton K. Arnett, D.C.  
Presiding Officer

CERTIFICATE OF SERVICE

On December 15, 2006, I mailed a copy of this document to:

Ronald Zoeller

Confidential

Topeka, KS 66614

Randall J. Forbes

Attorney at Law

Frieden, Haynes, & Forbes, PA

555 South Kansas Avenue, Ste. 303

PO Box 639

Topeka, KS 66601-0639

(Attorney for Licensee)

Kathleen Selzler Lippert, Staff Attorney

Kansas State Board of Healing Arts

235 S. Topeka Blvd.

Topeka, KS 66603-3068

(Attorney for Petitioner)

And the original was delivered for filing to:

Lawrence T. Buening, Jr., Executive Director

Kansas Board of Healing Arts

235 S. Topeka Blvd.

Topeka, KS 66603

A handwritten signature in black ink, reading "Lawrence T. Buening, Jr.", written over a horizontal line.