

EFFECTIVE AS A FINAL ORDER

DATE: 4/26/16

FILED 
APR 18 2016

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

KS State Board of Healing Arts

In the Matter of
CLYDE MORGAN, D.C.

Docket No. 16-HA00060

Applicant for Reinstatement of Kansas
License to Practice Chiropractic

**PROPOSED DEFAULT ORDER DENYING APPLICATION FOR
REINSTATEMENT OF LICENSURE**

NOW on this 8th day of April, 2016, comes on for conference hearing before the Kansas State Board of Healing Arts ("Board") the Application for Reinstatement of License to Practice Chiropractic of Clyde Morgan, D.C. ("Applicant"). Tracy Fredley, Associate Litigation Counsel, appears on behalf of the Respondent Board. Applicant fails to appear.

Pursuant to the authority granted to the Board by 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 Proposed Default Order in the above-captioned matter.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. Applicant was previously licensed to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-04618 in 1999. Such license was cancelled for failure to renew on February 1, 2014.

2. On approximately October 19, 2015, Applicant submitted an Application for Reinstatement of his license to practice chiropractic in Kansas. Such Application was determined to be complete and filed with the Board on February 4, 2016.

3. On February 24, 2016, Associate Litigation Counsel filed a Response to Application for Reinstatement of License to Practice Chiropractic (“Response in Opposition”) and offered Board Exhibits 1, through 7 into evidence.

4. The Response in Opposition alleged that Applicant has not practiced chiropractic for more than two years, and that there are grounds to deny his Application for Reinstatement pursuant to K.S.A. 65-2809(e).

5. Applicant was served with a copy of the Response in Opposition on February 24, 2016, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

6. A Conference Hearing was scheduled to be held on April 8, 2016, regarding Applicant’s Application for Reinstatement and a Notice of Conference Hearing was served on Applicant on March 15, 2016, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

7. Applicant failed to appear at the conference hearing regarding his Application for Reinstatement held on April 8, 2016. At the conference hearing, Associate Litigation Counsel moved for issuance of a proposed default order denying Applicant’s Application for Reinstatement.

8. The Board finds Applicant is in default pursuant to K.S.A. 77-520.

9. The factual and legal allegations set forth in the Response in Opposition are deemed undisputed.

10. Board Exhibits 1 through 7 are admitted into evidence.

11. The Board concludes that there are grounds to deny Applicant’s Application for Reinstatement pursuant to K.S.A. 65-2809(e).

12. Based on the undisputed allegations set forth in the Response in Opposition and evidence in the agency record, the Board concludes that denial of Applicant's Application for Reinstatement is warranted in the circumstances.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant's Application for Reinstatement is hereby **DENIED**.

IT IS SO ORDERED THIS 13 DAY OF APRIL, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

FINAL ORDER 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, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER DENYING APPLICATION FOR REINSTATEMENT OF LICENSURE** was served this 26th day of April, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Clyde Morgan, DC
PO Box 109
Rantoul, KS 66079

And a copy was hand-delivered to:

Tracy Fredley, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

Kelli Stevens, General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Cathy Brown, Executive Assistant