

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

KS State Board of Healing Arts

<b>In the Matter of</b>	)	
<b>DAVID ROSAS, D.C.</b>	)	
	)	<b>KSBHA Docket No. 24-HA00026</b>
<b>APPLICATION FOR LICENSE TO</b>	)	
<b>PRACTICE CHIROPRACTIC</b>	)	
	)	

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**FINAL ORDER**  
**GRANTING LICENSE**

On February 9, 2024, this matter came before the Kansas State Board of Healing Arts (“Board”) for a Conference Hearing on David Rosas, D.C.’s (“Applicant” or “Dr. Rosas”) application for an active license to practice chiropractic in Kansas. The Applicant appeared in person, *pro se*. The Board appeared through Lisa Montgomery, Deputy Licensing Counsel, and Todd Hiatt, Litigation Counsel. Dr. Abebe, Dr. Durrett, Dr. Gould, Dr. Bradbury, and Kathy Wolfe Moore were recused.

Under 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, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the arguments of the parties, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

**FINDINGS OF FACT**

1. A Notice of Hearing was filed and served on January 19, 2024, and January 30, 2024, setting a Conference Hearing on the application for licensure. No objection to the Notice of Hearing was filed.<sup>1</sup>
2. On or about June 26, 2023, Applicant submitted to the Board an application for a Kansas D.C. active license. This application was deemed complete and filed January 10, 2024.
3. On or about May 31, 2013, Applicant was convicted of felony marihuana distribution in Ft. Collins, Colorado. Applicant also has approximately 20 other various misdemeanor convictions from 2008 to 2022.

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<sup>1</sup> In advance of the oral arguments, the Board was provided the entire agency record to facilitate a comprehensive understanding of the underlying matter, including all exhibits, briefs, and motions filed by the parties in advance of oral arguments. The entire agency record was considered by the Board in rendering its decision.

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4. The Board's Disciplinary Panel No. 38 ("DP #38") reviewed the application, made no recommendation, and requested the Board conduct a Conference Hearing before deciding to grant or deny the application.
5. Applicant testified at the Conference Hearing as follows:

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b. Applicant acknowledges the actions that led to the 2013 conviction were wrong and stated he did not want to be back in that situation again.

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d. Applicant's 2016 misdemeanor conviction for possession of marijuana was a result of another person possessing marijuana while they were in his vehicle.

e. Applicant's motivation to practice chiropractic is to help people and he understands that he must continue to be a law-abiding citizen to realize this goal.

6. Applicant attended the University of Nebraska – Lincoln from 2015 to 2019 and graduated in 2019 with a Bachelor of Science Degree in Education and Human Sciences.
7. Applicant attended Cleveland University – Kansas City from 2019 to 2023 and graduated in 2023 with a Doctor of Chiropractic degree.
8. Applicant has passed the required National Board of Chiropractic Examiners ("NMCE") exams.
9. Applicant has been employed as a chiropractic assistant in Kansas from May 2023 to present and plans to continue working at the same practice if he receives his Kansas license.
10. Considering that since the 2013 felony conviction: (1) over ten years of time have passed; (2) Applicant has acknowledged his mistake and his intent not to repeat it; (3) **CONFIDENTIAL**; (4) Applicant's academic achievements ( four year undergraduate degree in 2019, four year graduate degree 2023); and (5) Applicant's current employment as a chiropractic assistant in Kansas, the Board finds Applicant will not pose a threat to the public in his capacity as a chiropractor.
11. In light of the above listed facts, Applicant has been sufficiently rehabilitated to warrant the public's trust.

## CONCLUSIONS OF LAW

Under K.S.A. 65-2836(c), an application for a license shall be denied where the applicant has been convicted of a felony, whether or not related to the practice of the healing arts, unless a 2/3 majority of the board members present and voting determine by clear and convincing evidence that such person will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant public trust.

Clear and convincing evidence is "evidence that causes the factfinder to believe that the truth of the facts asserted is highly probable." *In the Matter of L.J. Buckner*, 308 Kan. 427, 447 (2018).

This is a case where Applicant was convicted of a felony in 2013. Denying the application for a Kansas chiropractic license in this matter in 2024 is not the proper legal outcome. Under K.S.A. 65-2836(c), the core findings that rebut the presumption of denying a license are: (1) Applicant will not pose a threat to the public in his capacity as a chiropractor; and (2) Applicant's rehabilitation is sufficient to warrant public trust.

### *Applicant Will Not Pose a Threat to the Public as a Chiropractor*

Based on the facts of this case, and the rationale described in this Final Order, a 2/3 majority of the Board members present and voting agrees and finds by clear and convincing evidence that Applicant will not pose a threat to the public as a chiropractor. The testimony at the hearing and evidenced submitted demonstrate Applicant's commitment to realizing his goal of helping people as a chiropractor. Applicant's 2013 felony conviction was over ten years ago and his choices, behavior, and achievements since then demonstrate that Applicant will not pose a threat to the public in his capacity as a chiropractor.

### *Applicant's Rehabilitation is Sufficient to Warrant Public Trust*

Based on the facts of this case, and the rationale described in this Final Order, a 2/3 majority of the Board members present and voting agrees and finds by clear and convincing evidence that Applicant's rehabilitation from the 2013 felony conviction is sufficient to warrant public trust. In making this determination, the Board considered whether Applicant acknowledges his actions leading to the felony conviction were wrong, whether he is committed to not repeating such actions, whether he has demonstrated he has not repeated such actions, and whether there is significant danger that he will repeat similar actions in the future. The Board finds, by clear and convincing evidence, that he understands the wrongfulness of his conduct, has not repeated the behavior leading to the conviction, and there appears to be little danger that he will commit similar acts in the future such that the Applicant's rehabilitation is sufficient to warrant public trust.

**CONCLUSION**

Under K.S.A 65-2836(c), there is a presumption to deny an application for license when the applicant has been convicted of a felony. In this case Applicant has overcome that presumption. On February 9, 2024, at the Conference Hearing on this application, a 2/3 majority of the Board members present and voting found Applicant had proven, by clear and convincing evidence: (1) that he will not pose a threat to the public in his capacity as a chiropractor; and (2) he has been sufficiently rehabilitated to warrant public trust. Therefore, the Board grants the application by for a Kansas active chiropractor license.

**ORDER**

**IT IS THEREFORE ORDERED** that the application for a Kansas active chiropractor license filed by David Rosas, D.C. is **GRANTED**, effective February 9, 2024.

**IT IS SO ORDERED** this 11<sup>th</sup> day of March 2024.

**KANSAS STATE BOARD OF HEALING ARTS**

*Susan Gile*

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Susan Gile, Executive Director

## **NOTICE OF APPEAL RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Under K.S.A. 77-529, parties may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 Susan Gile, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **FINAL ORDER** was served, by depositing the same in the United States mail, postage prepaid, and emailed on this 11<sup>th</sup> day of March 2024, addressed to:

David Rosas, D.C.

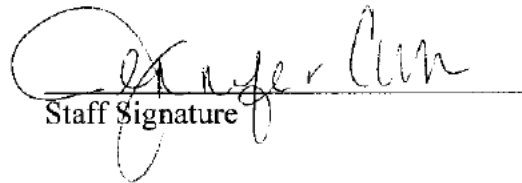
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*Applicant/Licensee*

A copy was hand delivered to:

Lisa Montgomery, Deputy Licensing Counsel  
Todd Hiatt, Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612  
[lisa.montgomery@ks.gov](mailto:lisa.montgomery@ks.gov)  
[todd.hiatt@ks.gov](mailto:todd.hiatt@ks.gov)

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

  
Staff Signature