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APR 28 2008

KS State Board of Healing Arts

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

In the Matter of)
Victoria Rebman D.C.)
)
Kansas License No. 01-04687)
_____)

Docket No. 08-HA- 00179

CONSENT ORDER

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through Dan Riley, Associate Counsel ("Petitioner"), and Victoria Rebman D.C., ("Licensee"), and move the Board for approval of a Consent Order affecting Licensee's license to practice chiropractic in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is: 8249 West 95th Street, Suite 106, Overland Park, Kansas 66212.
2. Licensee is or has been entitled to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-04687 on or about October 14, 2000. Licensee holds a current "active" license to engage in the practice of chiropractic, having last renewed on January 1, 2008.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the healing arts, specifically the practice of chiropractic, K.S.A. 65-2801 *et seq.*

4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. Licensee voluntarily and knowingly waives her right to a hearing and/or to dispute or otherwise contest the allegations contained herein before the Board. Licensee voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. Petitioner has investigated and has reasonable cause to believe that with respect to at least six (6) patients, Licensee took x-rays of that were not of diagnostic quality and utilized such x-rays in evaluating and treating such patients. Further, with respect to five (5) of the patients, Licensee's documentation in the patient records included unidentified abbreviations; failed to include actual measurements obtained in exams; included charges for treatment areas not documented as having been evaluated; and indicated an improper sequence of examinations and treatments.

10. Licensee's acts, if proven, constitute unprofessional conduct and are grounds for discipline pursuant to K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(24), in that Licensee's utilization of sub-standard x-rays in the evaluation and treatment of patients constitutes a repeated failure to practice the healing arts with that level of care, skill and treatment which is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances.

11. Licensee's acts, if proven, constitute unprofessional conduct and are grounds for discipline pursuant to K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(25), in that Licensee's documentation in patient charts constitutes a failure to keep written medical records which adequately describe the services rendered to the patient, including patient histories, pertinent findings, examination and test results.

12. In lieu of concluding the pending formal proceedings, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following provisions with respect to her license to engage in the practice of chiropractic in Kansas:

LIMITATION

- a. Licensee's license is hereby limited in that she is prohibited from taking x-rays for diagnostic or treatment purposes until Licensee has completed a course in technical X-ray application and technique, and demonstrated to the Board that she has the ability to produce x-rays of diagnostic quality; and

EDUCATION

- b. Licensee shall successfully complete the Palmer College of Chiropractic online course entitled, "Risk Management and Record Keeping." Such course shall be at Licensee's own expense. Licensee shall provide Board staff with a certificate of completion on or before July 30, 2008.

13. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

14. Nothing in the Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

15. Licensee hereby releases the Board, its individual members (in their official and personal capacities), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to, those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against Releasees.

16. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.

17. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

18. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

19. Licensee, by signature to this document waives any objection to the participation of the Board members, including the Disciplinary Panel, and General Counsel in the consideration of this offer of settlement. Licensee agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceeding on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

20. Licensee acknowledges that she has read this Consent Order and fully understands the contents.

21. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

22. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas State Board of Healing, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

23. Licensee shall obey all federal, state and local laws and rules governing the practice of the healing arts in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

24. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

25. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that in lieu of concluding the presently pending formal proceedings, Licensee, by her signature affixed to this Consent Order, voluntarily agrees to the following provisions regarding his license to practice chiropractic in Kansas:

LIMITATION

- a. Licensee's license is hereby limited in that she is prohibited from taking x-rays for diagnostic or treatment purposes until Licensee has completed a course in technical X-ray application and technique, and demonstrated to the Board that she has the ability to produce x-rays of diagnostic quality; and

EDUCATION

- b. Licensee shall successfully complete the Palmer College of Chiropractic online course entitled, "Risk Management and Record Keeping." Such course shall be at Licensee's own expense. Licensee shall provide Board staff with a certificate of completion on or before July 30, 2008.

IT IS SO ORDERED on this 26th day of April, 2008.

**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**


Lawrence T. Buening, Jr.
Executive Director

4/26/08
Date

Dr. Victoria Z. Rebman, D.C.
Victoria Rebman, D.C.
Licensee

3-13-08
Date

PREPARED AND APPROVED BY:

Dan Riley
Dan Riley # 15658
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing **CONSENT ORDER** was served on the 29th day of April, 2008 by United States mail, first-class postage prepaid and addressed to:

Victoria Rebman D.C.
8249 W 95th Street, Ste.106
Overland Park, Ks 66212

and a copy was hand-delivered to:

Dan Riley
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

and the original was hand-delivered for filing to:

Lawrence T. Buening, Jr.
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068


Signature