

**FILED**

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**KANSAS STATE BOARD OF  
HEALING ARTS**

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

IN THE MATTER )

OF )

ALAN R. BONEBRAKE, D.C. )  
Kansas License Number 3524. )

Case No. 90-DC-0198

FINAL ORDER

NOW, on the 13<sup>th</sup> day of October, 1990, this matter comes on for hearing before the Kansas State Board of Healing Arts (hereafter referred to as "Board") in conference proceedings to consider the request to voluntarily surrender license during the pendency of disciplinary proceedings and after a plea of no contest as addressed below by Alan R. Bonebrake, D.C. (hereafter referred to as "Licensee"). Petitioner appears by and through its attorney, Steve A. Schwarm, Litigation Counsel. Appearance also made by Lawrence T. Buening, Jr., General Counsel to the Board. There are no other appearances. The Board having been advised and presented a copy of the disciplinary petition filed in the above captioned case and after considering the file and being otherwise duly advised in the premises and the Board sitting at a regular meeting and serving as Presiding Officer in conference proceedings pursuant to Kansas Administrative Procedure Act specifically K.S.A. 77-533 and 77-534 enters the following findings of fact and conclusions of law:

1. Notice of this hearing has not been given to Licensee as required by Kansas law. However, Licensee knowingly waives statutory notice of such proceedings as required by law. This waiver is made by Licensee to expedite the resolution of this matter. Licensee has acknowledged that he has received a copy of the disciplinary petition and is familiar with the contents thereof.

2. Licensee has been issued license number 3524 by the Kansas State Board of Healing Arts. Respondent was at the time of the alleged incidents as set forth in the disciplinary petition a licensed doctor of chiropractic authorized to engage in the practice of that branch of the healing arts in the State of Kansas. Said license has since lapsed.

3. Licensee and Litigation Counsel acknowledge and such is recognized and accepted by the Board that the Petitioner, Kansas State Board of Healing Arts is a duly constituted administrative and regulatory body of the State of Kansas and in such capacity had the authority to file the disciplinary petition in this matter before the Board and to cause the prosecution of same.

4. Licensee admits and such is accepted by the Board that the form of the petition and the filing of the petition have been completed and are in accordance with all requirements of law and that the Board has jurisdiction to consider the petition and any other evidence introduced by the Petitioner or Licensee at this hearing and all lawful continuances thereof.

5. Licensee admits and the Board accepts that if a full adjudicative hearing were held with regard to this matter, Petitioner would present evidence and witnesses in an attempt to support the alleged violations as set forth in the disciplinary petition paragraphs (a) through (s).

6. Licensee specifically denies the factual basis of the allegations contained in the said petition and does not acknowledge nor admit the truth of said allegations. Licensee hereby, in an effort to buy his peace and eliminate the publicity and expense of an extended contested hearing, enters a plea of no contest, and the Board accepts such plea as set forth in the disciplinary petition of May 17, 1990. The fact of Licensee's plea to the above listed violations is established by Licensee's signature indicated on the last page of this agreed Order and submitted to the Board for its consideration.

7. Licensee, subject to the terms hereof, has acknowledged and the Board accepts that this agreed to Order was made voluntarily in lieu of administrative hearing before the Kansas Board of Healing Arts.

8. Licensee acknowledges and understands and the Board accepts that Licensee has the right to appear at the hearing in person or with counsel to produce evidence or witnesses on his behalf and to cross-examine any witnesses who testify against him and to examine such evidence as may be produced against him.

9. Licensee acknowledges and the Board accepts that Disciplinary Counsel for the Board has caused to be investigated certain matters which, if proven, would constitute a violation of K.S.A. 1989 Supp. 65-2836 for which the Board has jurisdiction to initiate proceedings to revoke, suspend, or limit the license of Licensee pursuant to K.S.A. 1989 Supp. 65-2838.

10. The Board takes administrative notice that the investigation conducted and proceedings to date to include the filing of the disciplinary petition have been proper and in accordance with the Healing Arts Act and the Kansas Administrative Procedure Act to include K.S.A. 1989 Supp. 65-2839a and 65-2840a.

11. In lieu of the investigative material being presented to the Board as evidence and formal adjudicative hearing, Licensee by signature attached to this agreed to Order hereby requests to voluntarily surrender his license to practice chiropractic in the State of Kansas as an appropriate disciplinary sanction associated with his plea of no contest in paragraph six above.

12. Licensee acknowledges and the Board accepts the surrender of Licensee's Doctor of Chiropractic license number 3524 and such shall be treated as a "suspension" as an appropriate disciplinary sanction and for reporting purposes to any state or national medical federation or clearing house for disciplinary sanctions of health care providers and licensees.

13. The Board, having reviewed the record herein and hearing arguments of counsel, finds the unconditional surrender of license of Licensee should be accepted.

IT IS THEREFORE BY THE BOARD ORDERED that the surrender of license to practice chiropractic in the State of Kansas held by Alan R. Bonebrake, D.C., being license number 3524 should be accepted and said license is hereby considered to be suspended and Licensee directed to forward to the Board his original license certificate and most recent renewal receipt by certified mail within seven days of receipt of this notice.

NOTICE REGARDING RELIEF FROM THIS ORDER

This is a Final Order. It is effective without further notice when served. Any party may file with the Board a Petition for Reconsideration within fifteen (15) days in compliance with the Kansas Administrative Procedure Act, specifically K.S.A. 77-529. Such Petition for Reconsideration is not a prerequisite to judicial review in the District Courts in the State of Kansas. Judicial review of this Order may be sought by filing a Petition for judicial review in the District Court having jurisdiction as provided in the Kansas Act for Judicial Review and the Civil Enforcement of Agency Action.

IT IS SO ORDERED.

Approved by Alan R. Bonebrake the 4th day of October,

1990, at Wichita, Kansas.

Dated this 13<sup>th</sup> day of October, 1990, in Topeka,  
Shawnee County, Kansas.

KANSAS STATE BOARD OF  
HEALING ARTS

A. Z. Buchelmeier MD  
Authorized Board Signature To Sign  
and Issue this Final Order

Approved by:

SA Schwarm  
Steve A. Schwarm,  
Litigation Counsel

Dr. Alan R. Bonebrake  
Alan R. Bonebrake, D.C.  
"Licensee"

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., hereby certify that on the 18<sup>th</sup>  
day of October, 1990, a true and correct copy of the above  
and foregoing FINAL ORDER was placed in the United States mail,  
postage prepaid, to the following:

Alan R. Bonebrake, D.C.  
6109 E. 13th St.  
Wichita, Kansas 67208

and a copy hand-delivered to:

Steve A. Schwarm  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
LAWRENCE T. BUENING, JR.