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JUN 17 2015
KS State Board of Healing Arts

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

In the Matter of)
)
John B. Bowers, D.C.) Docket No. 15-HA 00118
Kansas License No. 01-03858)

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Susan R. Gering, Associate Litigation Counsel (“Petitioner”), and John B. Bowers, D.C. (“Licensee”), by and through his counsel, Diane L. Bellquist of Joseph, Hollander & Craft, LLC, 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: 3450 N Rock Road, Wichita, Kansas 67226.
2. Licensee is or has been entitled to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 01-03858 on or about December 4, 1987. Licensee’s license is currently active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of chiropractic. K.S.A. 65-2801 *et seq.* and K.S.A. 65-2871.
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. 77-505 and 65-2838. Upon approval, these stipulations shall

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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 the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his 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.
7. 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.
8. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-2836, to take action with respect to Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*
9. The violations of the Kansas Healing Arts Act arose when Licensee continued to practice while his license was suspended.

10. Licensee's license to practice chiropractic was indefinitely suspended as a result of a Summary Order filed on March 31, 2014, which became effective through a Final Order issued on April 21, 2014. The Board served the Final Order upon Licensee by placing it in the mail on that same date.
11. The Summary Order was filed based on Licensee's failure to respond for over one year to a duly authorized subpoena issued by the Board. The Summary Order indefinitely suspended Licensee's license until he complied with the Board subpoena.
12. On or about April 21, 2014, a Final Order was issued indefinitely suspending Licensee's license to practice chiropractic until he complied with the Board's subpoena. Licensee ceased practicing after May 1, 2014, in order to comply with the Board's Order.
13. On or about May 6, 2014, Licensee filed a Request to Terminate Suspension with the Board. Licensee's Request contained responsive documents to the duly authorized subpoena.
14. These records were provided to Disciplinary Panel No. 28 for its review to determine whether Licensee sufficiently complied with the terms of the Board subpoena. Based on the records provided and Licensee's written response, the Panel found Licensee had complied with the Board subpoena.
15. On or about May 22, 2014, the suspension was lifted from Licensee's license to practice chiropractic.
16. During Licensee's suspension, the Board became aware that Licensee practiced chiropractic between the time the Final Order was effective on April 21, 2014, and

May 1, 2014, and as a result, Investigation No. 14-00608 was initiated.

17. Licensee provided chiropractic services to twenty-two (22) patients between the time his suspension was effective on April 21, 2014 through May 1, 2014.
18. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
19. Licensee's continued practice on a suspended license violated K.S.A. 65-2836(b), as set forth in K.S.A. 65-2837(b)(12), for conduct likely to harm the public.
20. Licensee violated K.S.A. 65-2836(k) in that Licensee violated any lawful rule and/or regulation promulgated by the Board or violated any lawful order or directive previously entered by the Board when he continued to practice chiropractic on his suspended license.
21. Pursuant to K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's license and pursuant to K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.
22. According to K.S.A.65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
23. All pending investigation materials in KSBHA Investigation number 14-00608 regarding Licensee were fully reviewed and considered by the Board members who

serve on the Board's Disciplinary Panel. Disciplinary Panel No. 28 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

24. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice chiropractic in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

25. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas 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 Kansas Healing Arts Act.

26. Licensee hereby releases the Board, its individual members (in their official and

personal capacity), 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 Judicial Review Act, 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 the 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 the Releasees.

27. Licensee further understands and agrees that upon approval by the Board and signatures of both parties, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.
28. 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.
29. 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.

30. 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 and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings 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.
31. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
32. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
33. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the following:
- Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612.
34. Licensee shall obey all federal, state and local laws and rules governing the practice of chiropractic 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.
35. 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.

36. This Consent Order constitutes public disciplinary action.
37. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
38. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice of chiropractic:

SUSPENSION

39. Licensee's license shall be suspended for a period of at least forty-five (45) calendar days. Such suspension will be effective after approval of this Consent Order with the Board and commencing on August 1, 2015 through September 14, 2015.
40. This provision is self-terminating. After a period of forty-five (45) calendar days, and effective September 15, 2015, Licensee's suspension shall be lifted.
41. Licensee shall immediately notify the Compliance Coordinator of any citation, arrest or charge filed against him or of any conviction for any traffic or criminal offenses, excluding minor traffic infractions.
42. Licensee shall immediately notify the Compliance Coordinator of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of Columbia, or other country, professional association or society, or by a governmental agency.
43. Licensee shall at all times keep Board staff informed of his current practice locations, addresses, and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

FINE

44. Licensee agrees to pay a FINE in the amount of FIVE THOUSAND DOLLARS AND ZERO CENTS, (\$5,000.00).

45. Such fine shall be paid in the form of a Cashier's Check or Money Order to the "Kansas State Board of Healing Arts" in full on or before the lifting of Licensee's suspension.

46. All monetary payments made to the Board relating to this Consent Order shall be mailed to the Board by certified mail addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Ste. A
Topeka, Kansas 66612

47. After the Licensee has fulfilled the suspension term and paid the fine, the Board agrees to issue a Journal Entry of Satisfaction of Consent Order indicating Licensee has no further obligation for compliance and discharging him from all requirements of the Consent Order.

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

IT IS SO ORDERED on this 17 day of June, 2015.

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

Confidential

Kathleen Selzler Lippert 10
Executive Director

10/13/15
Date

Confidential

John B. Bowers, D.C.
Licensee

4/27/15
Date

PREPARED AND APPROVED BY:
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~~Susan R. Gering, #25582~~
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APPROVED BY:
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Topeka, Kansas 66612
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F: 785-234-3610
dbellquist@josephhollander.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 17th day of June, 2015, to the following:

John B. Bowers, D.C.
Licensee
3450 North Rock Road
Wichita, Kansas 67226

Diane L. Bellquist
Attorney for Licensee
Joseph, Hollander & Craft, LLC
1508 SW Topeka Blvd.
Topeka, Kansas 66612

And the original was hand-filed with:

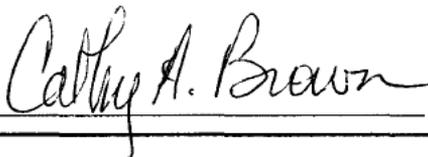
Kathleen Selzler Lippert
Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was hand-delivered to:

Susan R. Gering
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



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