

FILED

MAY 20 1993

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

KANSAS STATE BOARD OF  
HEALING ARTS

In the Matter of )  
BRIAN K. BROOKS, D.C. )  
Kansas License No. 03508 )  
\_\_\_\_\_ )

Case Nos. 93-00125

ORDER OF EMERGENCY SUSPENSION OF LICENSE

NOW, on this 14th day of May, 1993, this matter comes on before the Hearing Panel of the Kansas State Board of Healing Arts (hereinafter "Board"), pursuant to K.S.A. 65-2838(c), K.S.A. 77-512 and K.S.A. 77-536 on an Emergency Petition. Present are Rex A. Wright, D.C., President; Donald Bletz, M.D., Vice President.

The Board appears by Debra L. Billingsley, Board Disciplinary Counsel. The Hearing Panel noted that Brian K. Brooks, D.C., (hereinafter "Licensee") was not present but had been served with a copy of the Emergency Petition, a Notice of Hearing and with a subpoena to appear.

After examining the file, hearing statements of counsel, reviewing evidentiary materials and testimony and being otherwise duly advised in the premises, the Hearing Panel finds as follows:

That on May 11, 1993, a Notice of Hearing on Emergency Petition was personally served on Licensee with a copy of the Emergency Petition by Federal Express Overnight Delivery.

That the Licensee was also personally served with a subpoena to appear at the Emergency Hearing scheduled for May 14, 1993, at 2:30 p.m. at the Board office in Topeka, Kansas.

#### Findings of Fact

1. That the Licensee is licensed to practice chiropractic in the state of Kansas having last renewed his license No. 03508 on July 9, 1992, for the period ending 06/30/93.

2. That information was provided to the Board that the Licensee had engaged in sexual improprieties with several patients.

3. That at least three female patients alleged sexual contact with Licensee while they were patients.

4. That two patients alleged illicit drug usage by the Licensee.

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#### Conclusions of Law and Policy Reasons

1. That there are reasonable grounds to believe that the Licensee has violated the Healing Arts Act specifically K.S.A. 65-2836(b) as further defined in K.S.A. 65-2837(b)(16) which states that the commission of any act of sexual abuse, misconduct or

exploitation related to the Licensee's professional practice is considered unprofessional conduct and is grounds for revocation, suspension or other limitations of licensure.

2. That there are reasonable grounds to believe that the Licensee has the inability to practice chiropractic with reasonable skill and safety to patients

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and that such conduct is grounds for revocation or limitation of licensure.

3. That Licensee's continuation in the practice of chiropractic in Kansas constitutes an immediate and imminent danger to the public health, safety and welfare and that the least restrictive means of preventing harm to the public is to temporarily suspend the license of Licensee until a full hearing on the merits.

NOW THEREFORE, it is by the Hearing Panel considered and ordered:

That the Findings of Fact, Conclusions of Law and Policy Reasons hereinabove made and set forth be and the same are hereby made the Order of the Board.

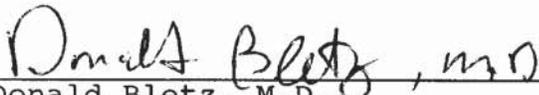
That the license of the Licensee is hereby temporarily suspended.

That such temporary suspension of the Licensee's license shall remain in effect until further order of the Board.

That this Order shall be effective immediately upon service of Licensee and such service is complete upon mailing to Licensee.

KANSAS STATE BOARD OF HEALING ARTS

  
\_\_\_\_\_  
Rex A. Wright, D.C.

  
\_\_\_\_\_  
Donald Bletz, M.D.

CERTIFICATE OF SERVICE

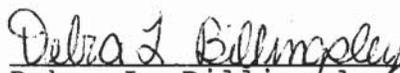
I, Debra L. Billingsley, hereby certify that on the 20 day of May, 1993, a true and correct copy of the above and foregoing Order of Emergency Suspension of License was deposited in the United States mail, first class, postage prepaid, to the following:

Brian K. Brooks, D.C.  
117 South 8th  
Independence, Kansas 67301

Debra L. Billingsley  
Disciplinary Counsel  
Kansas State Board of Healing Arts  
235 South Topeka Blvd.  
Topeka, KS 66603

and the original was hand-delivered to:

Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
Debra L. Billingsley

DLB1/brooks.es1

**PROFESSIONAL ADVISORY SERVICES, INC.**

6005 Martway, Suite 100  
Mission, Kansas 66202

(913) 236-7575

May 12, 1993

Debra Billingsley  
Disciplinary Counsel  
KANSAS BOARD OF HEALING ARTS  
235 S. Topeka Blvd  
Topeka, KS 66603

Re: Brian Brooks, DC

Dear Ms. Billingsley,

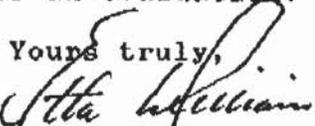
On May 6th, Dr. Mark Balderston and I accompanied Earl Maudlin to the office of Dr. Brooks to discuss the complaints of sexual misconduct against him.

During the course of our discussion with him, when the subject of drug use arose, he spontaneously offered to provide a specimen for drug testing, which we accepted. However, as we were preparing to collect the specimen, he changed his mind and refused. We explained to him that we had no authority to require that he provide the specimen, but that we would report to the Board on his behavior.

Dr. Brooks did not appear to be able to distinguish between his professional and personal relationships. We suggested to him that he submit to an evaluation for a sexual disorder, but he refused. On Monday, May 10th, I placed a follow-up phone call to Dr. Brooks. I again suggested to him that he be admitted for an evaluation. We discussed this for a while and he said he would be in Tucson (the location of one of the programs we had suggested) the end of this month anyway, but he still refused. He told me that chiropractic was different from other types of practice and that patients did not develop psychological dependence on their chiropractors.

I encouraged him to rethink his decision and to recontact me at any time to assist him in a referral for an evaluation.

Yours truly,

  
Etta Williams, MPA, RN, NCAC II  
Kansas Chiropractic  
Association's Impaired Provider  
Program

