

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

**KANSAS STATE BOARD OF  
HEALING ARTS**

**In the Matter of** )  
)  
**JAMES E. EATON, D.C.** )  
**Kansas License No. 01-03093** )  
\_\_\_\_\_ )

**Docket No. 02-HA-53**

**FINAL ORDER**

NOW ON THIS Seventeenth Day of August 2002, this matter comes before the Board to review the Initial Order issued by Lance E. Malmstrom, D.C., Presiding Officer. Applicant James E. Eaton, D.C., appears in person and without counsel. Kelli J. Benintendi, Associate Counsel, appears for the Board.

Having the agency record before it, and having heard the arguments of the parties, the Board modifies the Initial Order, and finds, concludes, and orders as follows:

1. The Board previously licensed Applicant to engage in the practice of chiropractic, having been issued his original license on January 14, 1967. That license was continuously in effect until August 1, 1987, when it was canceled for non-renewal.

2. On January 7, 1985, while Applicant was actively licensed, the Board initiated a proceeding alleging that Applicant had treated a patient who had been diagnosed with cancer of the breast. The treatment included a non-prescription poultice that Applicant had obtained from Mexico.

3. The Board and Applicant agreed to an order, titled Stipulation, that was dated March 15, 1985. Under that Stipulation, Applicant was prohibited from using escharotic therapy or treatment using black and yellow salves, or similar treatments for cancer. Applicant was also prohibited from selling these preparations and from advocating the efficacy of that and similar

therapies for the treatment of cancer. Applicant was placed on a two-year probation, during which his practice was to be monitored. The Presiding Officer concludes that this order was premised upon a Board determination that Applicant had practiced below the standard of care with a reasonable likelihood of patient injury, and thus he had demonstrated professional incompetency as defined at K.S.A. 65-2837(a).

4. Applicant moved his residence away from the State of Kansas and lived in Arizona beginning in 1986.

5. Applicant became licensed to practice chiropractic in the State of New Mexico on September 16, 2000. He has now reestablished residency in Kansas.

6. The Board finds that Applicant did not practice chiropractic between 1986 and 2000. Based upon his own testimony before the Presiding Officer, Applicant did lecture on nutrition, and continued in that practice after obtaining his New Mexico license. Applicant did not assess and treat patients in connection with the lectures. His practice in New Mexico did not involve physical treatments.

7. Applicant obtained his chiropractic license in New Mexico based upon the state examination. While the examination tested Applicant's fundamental knowledge of chiropractic, it did not test Applicant's clinical skills. In light of Applicant's long absence from the active practice of chiropractic, the Board finds and concludes that Applicant has not met his burden of showing that he is professionally competent to practice chiropractic in this state.

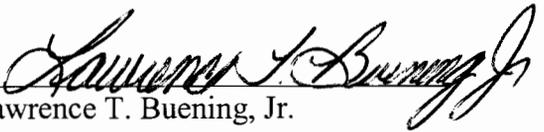
**IT IS, THEREFORE, ORDERED** that the application for reinstatement of a license to practice chiropractic, submitted by James E. Eaton, D.C., is hereby denied.

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon

service. 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. 77-610, et seq. Reconsideration of the 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 the Board's executive director at 235 S. Topeka Blvd., Topeka, KS 66603.

Dated this 4<sup>th</sup> Day of September 2002.

Kansas State Board of Healing Arts

  
Lawrence T. Buening, Jr.  
Executive Director

**Certificate of Service**

I certify that the foregoing Final Order was served this 4<sup>th</sup> day of September by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

James E. Eaton, D.C.  
4 Laurel Drive  
Wichita, Kansas 67206

and a copy was hand-delivered to:

Kelli J. Benintendi  
Associate Counsel  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

