

FILED 

DEC 08 2009

KS State Board of Healing Arts

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

**In the Matter of** )  
**Bradley Eck, D.C.** )  
 )  
**Kansas License No. 01-04269** )  
\_\_\_\_\_ )

**Docket No. 10-HA00059**

**FINAL ORDER**

**NOW ON THIS** 4th day of December, 2009, this matter comes on for hearing before the Kansas State Board of Healing Arts (“Board”). Respondent appears in person with counsel, David W. Steed of Klenda, Mitchell, Austerman & Zuercher, L.L.C. Petitioner, Stacy Bond, Associate Litigation Counsel, appears for the Board.

WHEREUPON the members of the Board’s disciplinary panel, Drs. Beezley, Conley, and Leinwetter and Ms. Ice, recuse themselves.

WHEREUPON Respondent moves to convert this matter to a formal hearing. Petitioner objects. Pursuant to K.S.A. 77-506, a conference hearing may be converted to a formal hearing if the conversion is appropriate, is in the public interest, and does not substantially prejudice the rights of any party. Pursuant to K.S.A. 77-533(a), conference hearing may be held if its use does not violate any provision of law and where there is a matter in which there is not a disputed issue of material fact.

The evidence proffered by the respondent does not allege dispute of any material facts, but rather tends to provide reasons, excuses, or justifications for the allegations in the petition. Therefore, the Board finds and concludes that it is not in the public interest

to convert these proceedings because the petition alleges that Respondent violated prior orders of the Board and the public is at risk if lawful Board orders are not followed.

Further, the Board finds and concludes that it is appropriate to conduct this matter in a conference hearing as no material facts are in dispute.

THEREFORE Respondent's motion to convert to a formal hearing is denied.

WHEREUPON having the agency record before it, the Board finds, concludes and orders as follows:

#### **FINDINGS OF FACT**

1. A Consent Order between Respondent and the Board was filed on February 25, 2009.
2. That Consent Order required Respondent to submit copies of all advertisements he utilizes during a probationary period within fourteen (14) days of publication. Respondent was ordered to inform the Board of the date(s) of publication and periodical(s) in which the advertisements were published.
3. Respondent published advertisements on August 2, 2009, August 3, 2009, and August 30, 2009, which were not submitted to the Board within fourteen (14) days of publication. (Exhibit I).
4. Respondent submitted approximately twenty (20) advertisements to the Board on October 19, 2009, without any indication of when and where they were published.
5. The Consent Order required Respondent to take a medical records keeping course within six (6) months of the effective date of the Order.

Respondent was to seek pre-approval of the course from Terry Webb, D.C., the Board's designated Presiding Officer.

6. Respondent did not submit a medical records keeping course to the Presiding Officer within the designated timeframe.
7. Respondent took a course offered by the Kansas Chiropractic Association in October of 2009.
8. The course taken by Respondent was taken late and was in the nature of ordinary continuing medical education. It would not have been approved as the course contemplated by the Consent Order.
9. The Consent Order also required Respondent to pay a fine of \$5000 and provide full refunds to certain designated patients.
10. Since the filing of the Consent Order, Respondent has filed for bankruptcy.

#### **Conclusions of Law**

11. Due to Respondent's bankruptcy filing the Board makes no conclusions concerning the payment of the imposed fine or the payment of refunds to patients.
12. The Board concludes that Respondent violated K.S.A. 65-2836(k), in that Licensee violated lawful rule(s) and regulation(s) promulgated by the Board or violated any lawful order(s) or directive(s) of the Board previously entered by the Board.
13. Specifically, the Board concludes that the Consent Order was a lawful order and Respondent violated it by failing to submit all of his

advertisements to the Board within fourteen (14) days of publication and by failing to timely take an approved medical records keeping course.

**IT IS, THEREFORE, ORDERED** that Respondent is suspended from the practice of Chiropractic for a period of thirty (30) days commencing upon service of this order.

**IT IS FURTHER ORDERED** that Respondent shall seek approval from the Presiding Officer for a medical records keeping course and complete the course within the thirty (30) days of his suspension.

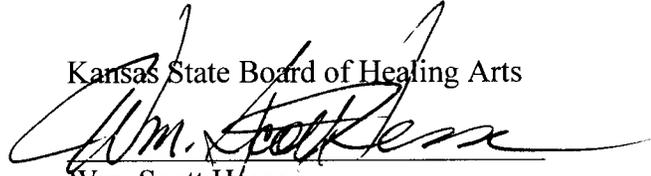
**IT IS FURTHER ORDERED** that Respondent shall submit all advertisements to the Board within fourteen (14) days of publication to the Board.

**IT IS FURTHER ORDERED** that Respondent shall comply with the terms of the Consent Order.

**PLEASE TAKE FURTHER 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. 77-601, et seq. Reconsideration of a 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 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 8 day of December, 2009.

Kansas State Board of Healing Arts



Wm. Scott Hesse  
General Counsel

**Certificate of Service**

I certify that a true copy of the foregoing Final Order was served this 8<sup>th</sup> day of December, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Bradley Eck, D.C.  
2925 Pepper Ridge Court  
Wichita, KS 67205

and

Bradley Eck, D.C.  
7348 W. 21<sup>st</sup> Street N, #113  
Wichita, KS 67205

and

David W. Steed  
Klenda, Mitchell, Austerman & Zuercher  
1605 SW 37<sup>th</sup> Street  
Topeka, KS 66611  
Served via email: [dsteed@kmazlaw.com](mailto:dsteed@kmazlaw.com)

And a copy was hand-delivered to the office of

Stacy Bond  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

Melissa Massey  
Compliance Coordinator  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

And the original filed with the office of the Executive Director

