

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

FILED  
DEC 03 2009

KS State Board of Healing Arts

In the Matter of )  
Steven Hamburg, D.C. )  
 )  
Kansas License No. 01-05138 )  
\_\_\_\_\_ )

Docket No. 07-HA00054

FINAL ORDER

NOW ON THIS 3rd day of December, 2009, this matter comes before the Presiding Officer, Gary Counselman, D.C., on Licensee's request to engage in the mobile practice of chiropractic. A Hearing has not been requested by the parties and this matter comes before the Presiding Officer on the pleadings. Licensee is represented by counsel, Carol Ruth Bonebrake of Topeka, Kansas. Petitioner, The Kansas State Board of Healing Arts ("Board"), is represented by Janith Lewis, Associate Litigation Counsel.

Having reviewed the agency record, the Presiding Officer finds, concludes, and orders as follows:

1. By Consent Order filed June 29, 2007, Licensee's practice was limited to not engaging in the solo practice of chiropractic and Licensee was to submit random billing audits and chart reviews.
2. By Final Order filed May 13, 2009, the Consent Order was modified such that Licensee could engage in the solo practice of chiropractic and Shellie Sulzberger, LPN, CPC at Coding & Compliance Initiatives, Inc., was appointed to be Licensee's auditor.

3. In the same Final Order, Licensee was prohibited from engaging in the mobile practice of chiropractic, but was granted leave to modify his business plan and submit it to the Board for approval.
4. On or about August 11, 2009, Licensee submitted a revised business plan to the Board to engage in the mobile practice of chiropractic. This petition was not served upon opposing counsel.
5. By Journal Entry dated October 19, 2009, Board counsel was granted additional time to file a response to Licensee's request.
6. Board counsel filed a response on October 23, 2009, objecting to Licensee's request.
7. On or about November 25, 2009, Licensee submitted a reply to Board counsel's response in objection. Licensee also proposed a change in auditors.
8. The Presiding Officer has reviewed Licensee's submitted plans and approves Licensee to engage in the mobile practice of chiropractic so long as the plan he filed with the Board is followed.
9. The Presiding Officer does not see a compelling reason for Licensee to change auditors at this time and that request is denied.
10. This Order in no way changes any other provisions of any previous Board orders pertaining to Licensee, nor limits the Board from pursuing any future alleged violations of the Healing Arts Act that may arise in the course of Licensee's practice whether or not related to the mobile practice of chiropractic.

**IT IS, THEREFORE, ORDERED** that the Consent Order filed on June 29, 2007, as modified by Final Order on May 13, 2009, is further modified such that Licensee may engage in the mobile practice of chiropractic.

**IT IS FURTHER ORDERED** that Licensee is bound by all other terms of the Consent Order.

**IT IS FURTHER ORDERED** that Shellie Sulzberger, LPN, CPC at Coding & Compliance Initiatives, Inc., shall remain as Licensee's auditor.

**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 3<sup>rd</sup> day of December, 2009.**

Kansas State Board of Healing Arts

  
\_\_\_\_\_  
Gary Counselman, D.C.  
Presiding Officer

### Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 3<sup>rd</sup> day of December, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Steven Hamburg, D. C.  
16675 S. Pflumm Road  
Olathe, KS 66062

and

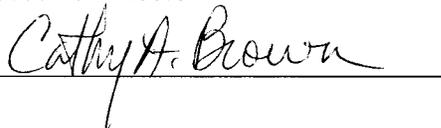
Carol Ruth Bonebrake  
Law Office of Carol Ruth Bonebrake, PA  
107 SW 6<sup>th</sup>, Suite 210  
Topeka, KS 66603

And a copy was hand-delivered to the office of

Janith Lewis  
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

  
\_\_\_\_\_

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**  
MAY 13 2009  
KS State Board of Healing Arts *sig*

In the Matter of Steven Hamburg, DC )  
 )  
Kansas License No., 01-05138 )  
\_\_\_\_\_ )

Docket No. 07-HA-00054

FINAL ORDER

NOW this 12<sup>th</sup> of May, 2009, the above captioned matter comes before the Kansas State Board of Healing Arts, Gary Counselman, Presiding Officer on the respondent's motion to amend the Consent Agreement and Order dated June 29, 2007. Board staff appears by Kathleen Selzler Lippert. The respondent appears by telephone and through Anne S. O'Brien of Polsinelli, Shugart, 700 W. 47<sup>th</sup> Street, Kansas City, MO 64112. There are no other appearances.

WHEREUPON, the Presiding Officer made the following FINDINGS OF FACT:

1. The respondent, through counsel, moved the Presiding Officer to amend the Consent Order to allow him to practice chiropractic solo under the terms of the Consent Order without being involved in a group practice.
2. The respondent was sworn as a witness and informed the Presiding Officer of his intent to have a "mobile practice" of chiropractic where he would bring his chiropractic practice to his patients in a motor vehicle of some kind.
3. The respondent requested that Shellie Sulzberger, LPN, CPC at Coding & Compliance Initiatives, Inc. in Olathe be allowed to be his auditor within the terms of the Consent Order.
4. Staff did not oppose the respondent's motion to practice chiropractic solo without being involved in a group practice.

5. Staff objected to respondent's "mobile practice" of chiropractic.

6. The respondent outlined a sketchy business plan which could not identify where patient information would be stored and how the business would operate without a traditional chiropractic office.

7. The respondent requested he be given the chance to submit a business plan of the mobile office to the Presiding Officer.

WHEREFORE, the Presiding Officer made the following CONCLUSIONS OF LAW:

A. The respondent is bound by the terms of the Consent Order as modified.

B. The respondent may engage in the solo practice chiropractic within the terms of the Consent Order.

C. Shellie Sulzberger, LPN, CPC at Coding & Compliance Initiatives, Inc. in Olathe shall be the respondent's auditor.

D. The respondent shall not engage in the "mobile practice" of chiropractic without further order of the Presiding Officer or the Board. The respondent may use his home as his office. The respondent is invited to Petition the Board once he has modified his business plan for the "mobile practice of chiropractic."

**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. 77-601, 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 Jack Confer, the Board's Acting Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.

DATED: 5-12-09.



Gary Counselman  
Presiding Officer

#### 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 14<sup>th</sup> day of May, 2009, to the following:

Steven Hamburg, D.C.  
16675 S. Pflumm Rd.  
Olathe, KS 66062

Anne O'Brien  
Polsinelli, Shalton, Flanigan Suelthaus, PC  
700 West 47<sup>th</sup> Street, Suite 1000  
Kansas City, MO 64112-1802

And the original was filed with

Jack Confer  
Executive Director  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

And a copy was hand delivered to:

Kathleen Selzler Lippert  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.

Topeka, KS 66603

*Cathy A. Brown*

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