

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILE
NOV 26 2002
KANSAS STATE BOARD OF HEALING ARTS

In the Matter of the)
Change of Name of)
MARK W. PENN, D.C., P.A.)
a Professional Corporation)
_____)

Docket No. 03-HA-37

SUMMARY ORDER

NOW ON THIS ^{26th} Day of November 2002, comes before Lawrence T. Buening, Jr., Executive Director, a request for change of name of a professional corporation.

1. The agency record consists of the request for name change, dated November 5, 2002; a copy of the last correct annual report of Mark W. Penn, D.C., P.A., which is on file with the Kansas Secretary of State and dated December 31, 2000; and a public profile sheet from the Kansas Secretary of State web site. Notice is also taken of the licensure of Mark W. Penn, D.C.

2. Records of the Kansas Secretary of State, which appear in the agency record, disclose that the corporate purpose of Mark W. Penn, D.C., P.A. is the professional practice of chiropractic. According to those same records, Mark W. Penn, D.C. is the sole shareholder of the professional corporation. Mark W. Penn is licensed by the Board to engage in the practice of chiropractic. There is no public record known to the Board amending the corporate purpose to include a profession other than chiropractic.

3. The professional corporation law of Kansas, K.S.A. 17-2701, *et seq.* provides that the corporate name is subject to approval by the appropriate regulatory board. That law does not provide standards for approval or disapproval of a corporate name. Rather, the healing arts act, specifically at K.S.A. 2001 Supp. 65-2836 establishes standards for considering a corporate name. Under


subsection (g) of that statute, a licensee may not invade the field of practice of another branch of the healing arts in which the licensee is not licensed to practice.

4. As provided by K.S.A. 65-2871(b), a person who is licensed to practice chiropractic is prohibited from practicing medicine.

5. When a person licensed to practice chiropractic represents to the public that the person is engaged in manual medicine, that person engages in a branch of the healing arts for which that person is not licensed to practice.

IT IS, THEREFORE, ORDERED that the request to change the corporate name from Mark W. Penn, D.C., P.A., to the name Manual Medicine, P.A. is denied.

PLEASE TAKE NOTICE that this is a summary order. A party to whom a summary order is issued may file a written request for a hearing within 15 days following service of the summary order. If a hearing is not requested, then the summary order shall become effective as a final order of the Board upon the expiration of the time fore requesting a hearing. A request for hearing must be addressed to Lawrence T. Buening, Jr., Executive Director, 235 S. Topeka Blvd., Topeka, KS 66603.


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 21st day of November 2002 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to Mark W. Penn, D.C., 5000 SW 21st Street, Topeka, Kansas 66604.