


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

FILED

DEC 17 2009

KS State Board of Healing Arts 

In the Matter of)
Robert Rusnak, DC)
)
Kansas License No. 01-04412)
_____)

Docket No. 09-HA00080

FINAL ORDER

NOW ON THIS 4th day of December, 2009, this matter comes on for hearing on the Board's Motion to Review Initial Order. Respondent appears by and through counsel, Carol Ruth Bonebrake of Topeka, KS. Lori D. Dougherty, Associate Litigation Counsel, appears for the Board. There are no other appearances.

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

1. A hearing was held in this matter on June 8, 2009 and June 9, 2009, before Presiding Officer Edward J. Gaschler.
2. By Initial Order filed September 28, 2009, the Presiding Officer found that the respondent committed two violations of a prior consent order.
3. The Presiding Officer concluded that Respondent should be publically censured.
4. The Board adopts the findings of fact and conclusions of law of the Initial Order and incorporates the same by reference into this Final Order.

5. The Board further assesses costs of these proceedings to Respondent in the amount of \$5,733.73.

IT IS, THEREFORE, ORDERED that Respondent is publically censured.

IT IS FURTHER ORDERED that Respondent is assessed the costs of these proceedings in the amount of \$5,733.73 payable within 90 days of the date of this 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 17th day of December, 2009.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Interim Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 17th day of December, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Robert Rusnak, DC
3650 SE Tomahawk Dr.
Tecumseh, KS 66542

And

Carol Ruth Bonebrake
Attorney at Law
107 SW 6th Ave., Ste 210
Topeka, KS 66603

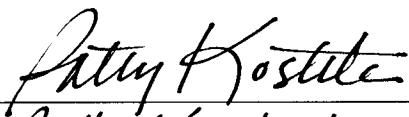
And a copy was hand-delivered to the office of

Lori D. Dougherty
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

And

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



Patty Kostreles
Admin Officer

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OCT 06 2009

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)	
)	Docket No.: 10-HA00047
ROBERT FRANCIS RUSNAK, D.C.)	OAH No.: 10-HA
Kansas License No. 01-04412)	

AGREED TEMPORARY ORDER OF SUSPENSION

NOW on this 5 day of October 2009, this matter comes before the Presiding Officer upon Petitioner's Motion for *Ex Parte* Emergency Order of Suspension. Petitioner appears through Associate Litigation Counsel, Kelli J. Stevens. Licensee appears through counsel, Carol Ruth Bonebrake. Whereupon, the parties announce that they have reached an agreement in this matter as set forth below.

The Presiding Officer, having reviewed the Petition, Motion and otherwise being apprised in the premises, finds, concludes and orders as follows:

1. The Motion seeks an emergency order of suspension pursuant to K.S.A. 65-2838 and 77-536. Pursuant to those statutes, the Presiding Officer may issue an order to temporarily limit or suspend a license if the Presiding Officer finds an imminent danger to the public health, safety, or welfare.
2. Petitioner's Motion in the above-captioned case incorporates a disciplinary petition filed on the same date that alleges Licensee has the inability to practice with reasonable skill and safety to patients (confidential)
(confidential)

3. (confidential)

4. At all times relevant to the allegations set forth in the Petition and Motion, Licensee has held a current and active license to engage in the practice of chiropractic in the State of Kansas.

5. Licensee presently has an active and unrestricted license to practice chiropractic in the state of Kansas.

6. (confidential)

7. (confidential)

8. (confidential)

9. This matter shall be scheduled for a hearing on or before the conclusion of the thirty (30) days suspension to determine whether or not such suspension shall continue, be lifted, and if other temporary orders are warranted.

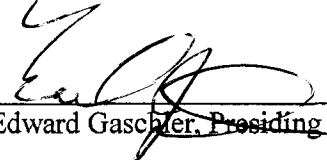
IT IS THEREFORE ORDERED that Licensee's chiropractic license is hereby immediately suspended for a period of at least thirty (30) days.

IT IS FURTHER ORDERED (confidential)
(confidential)

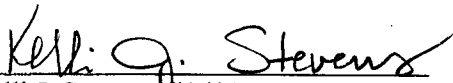
IT IS FURTHER ORDERED that this matter shall be scheduled for a hearing on or before the conclusion of the thirty (30) days temporary suspension to determine whether or not such suspension shall continue, be lifted, and if other temporary orders are warranted.

Dated this 5 day of October 2009.

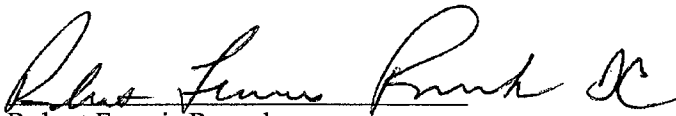
Kansas State Board of Healing Arts


Edward Gascher, Presiding Officer

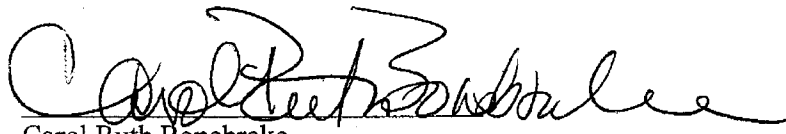
Prepared by:


Kelli J. Stevens, #16032
Associate Litigation Counsel
Kansas Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603
(785) 296-7413

Approved by:


Robert Francis Rusnak
Licensee

Approved by:


Carol Ruth Bonebrake
Attorney for Licensee
107 SW 6th Ave., Suite 210
Topeka, Kansas 66603
(785) 234-4661

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the **AGREED**
TEMPORARY ORDER OF SUSPENSION by United States mail, postage prepaid, on
this 6th day of October, 2009, to the following:

Robert F. Rusnak, D.C.
206 SW Topeka, Blvd
Topeka, Kansas 66603

Carol Ruth Bonebrake
107 SW 6th Ave., Suite 210
Topeka, Kansas 66603

Lori D. Dougherty
Kelli J. Stevens
Associate Litigation Counsel
Kansas Board of Healing Arts
235 South Topeka Blvd.
Topeka, Kansas 66603

And the original was filed with the office of:

Jack Confer
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

