

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED ^{CAB}

APR 01 2010

KS State Board of Healing Arts

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

Docket No. 10-HA00047

FINAL ORDER

NOW ON THIS 19th day of February, 2010, this matter comes on for hearing on the Board's Motion to Review Initial Order. Respondent appears in person with 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 December 1, 2009 before Presiding Officer Edward J. Gaschler.
2. By Initial Order filed December 21, 2009 the Presiding Officer determined that the respondent had surrendered his license.
3. The Presiding Officer concluded:
 - a. Respondent's surrender of his license to practice chiropractic in the State of Kansas should be accepted;
 - b. That any application for reinstatement shall be subject to the provisions contained in *Vakas v. Kansas Bd. of Healing Arts*, 248 Kan.

589 (1991) and any other applicable statutes, regulations or rules regarding licensure;

- c. That upon any reapplication the allegations contained in the Petition in this matter shall be considered as findings of fact and conclusions of law;
- d. That the burden will be on the respondent to show by clear and convincing evidence he has been sufficiently rehabilitated to justify reinstatement of his license; and,
- e. That the Initial Order shall be deemed a public record and reported to the National Practitioner Databank, the Federation of State Medical Boards, and any other reporting entities utilized by the Petitioner for management of licenses.

- 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. Petitioner has filed a statement of costs in this matter for \$332.50 and requests that they be assessed to Respondent.
- 6. The Board finds that the respondent does not object to the payment of costs as stated and that the costs are reasonable.
- 7. The Board further assesses costs of these proceedings to Respondent in the amount of \$332.50 payable within thirty (30) days of this Order.

IT IS, THEREFORE, ORDERED that Respondent's surrender of his license to practice chiropractic in the State of Kansas is accepted.

IT IS FURTHER ORDERED that any application for reinstatement filed by Respondent shall be subject to the provisions contained in *Vakas v. Kansas Bd. of Healing Arts*, 248 Kan. 589 (1991) and any other applicable statutes, regulations or rules regarding licensure.

IT IS FURTHER ORDERED that upon any reapplication the allegations contained in the Petition in this matter shall be considered as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that the burden in any hearing for reinstatement will be on the respondent to show by clear and convincing evidence he has been sufficiently rehabilitated to justify reinstatement of his license.

IT IS FURTHER ORDERED that this Final Order shall be deemed a public record and reported to the National Practitioner Databank, the Federation of State Medical Boards, and any other reporting entities utilized by the Petitioner for management of licenses.

IT IS FURTHER ORDERED Respondent shall pay costs of \$332.50 to the Board within thirty (30) 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 31 day of March, 2010.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Acting Executive Director

Certificate of Service

I certify, that a true copy of the foregoing Final Order was served this 1st day of April, 2010 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

Cathy A. Brown