

FILED

AUG 27 2001

KANSAS STATE BOARD OF
HEALING ARTS

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

In the Matter of)
DAVID C. SCHLOSSMAN, D.C.)
Kansas License No. 01-04344)
_____)

Case No. 01-HA-21

FINAL ORDER

NOW ON THIS Eighteenth Day of August, 2001, comes before the Board a request by Respondent David C. Schlossman, D.C. to vacate the Proposed Default Order dated July 6, 2001. Respondent appears *pro se*. Stacy L. Cook, Litigation Counsel, appears for Petitioner.

Respondent does not dispute the findings of fact and conclusions of law stated in the Petition to Revoke, Suspend or Otherwise Limit Licensure date March 27, 2001 and stated in the Proposed Default Order. The Board finds and concludes as follows:

1. The Board and Respondent entered into a Stipulation and Agreement and Enforcement Order dated December 12, 2000. That order suspended Respondent's license for a period beginning December 17, 2000, and establishing monitoring requirements for the time period between December 9, 2000 and December 16, 2000. **(Confidential)**

(Confidential)

(Confidential)

The order also required that Respondent pay a fine in the amount of \$5000 in ten equal monthly installments. Costs were assessed against Respondent.

2. Respondent has failed in multiple aspects to comply with the Board's December 12, 2000 order, in violation of K.S.A. 65-2836(k).

3. Respondent has, while his license was suspended, opened or maintained an office

for the practice of the healing arts, and has held himself out to the public as having the authority to practice the healing arts, in violation of K.S.A. 65-2867.

4. Respondent has failed to comply with a lawful rule and regulation of the Board in violation of K.S.A. 65-2836(k), particularly K.A.R. 100-24-2 which requires a licensee to maintain patient records for a minimum of ten years, by abandoning approximately 200 patient records and x-rays at his previous practice location.

5. The Board further finds that Respondent recognizes the wrongfulness of his conduct which violated the healing arts act as stated above, and that Respondent is attempting to resolve personal difficulties that contributed to his misbehavior.

IT IS, THEREFORE, ORDERED that the Proposed Default Order dated July 6, 2001 is vacated.

IT IS FURTHER ORDERED as follows:

1. The suspension imposed by the December 12, 2000 Stipulation and Agreement and Enforcement Order is terminated upon the effective date of this Final Order. Respondent's license is hereby suspended for a period of 18 months beginning on the effective date of this order.

2. The unpaid balance of the fine imposed by the December 12, 2000 Stipulation and Agreement and Enforcement Order is hereby abated.

3. Respondent is hereby fined \$5000 for the violations of the healing arts act described in paragraphs 2, 3, and 4 of this order.

4. Respondent shall immediately cease to maintain any office for the practice of the healing arts located within the State of Kansas.

5. Respondent shall provide all reports to the Board anticipated by the December 12, 2000 Stipulation and Agreement and Enforcement Order.

6. **(Confidential)**

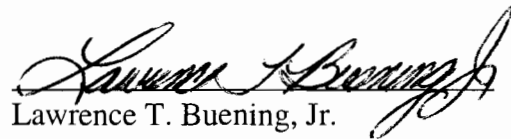
(Confidential)

7. Respondent shall appoint an agent to receive and maintain all of Respondent's patient records that are in the Board's or Respondent's possession. Respondent shall ensure that the patient records are properly preserved, are confidential, and are accessible as provided by law.

PLEASE TAKE NOTICE that this is a Final Order. A party may seek judicial review of a Final Order by filing a petition in the District Court within 30 days following service of the order. A copy of any petition for judicial review must be served upon the Executive Director, 235 S. Topeka Blvd., Topeka, KS 66603. Reconsideration is not a prerequisite to judicial review.

DATED THIS 27th Day of August, 2001.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 21st day of August, 2001 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

David C. Schlossman, D.C.
12660 Barkley Street
Overland Park, KS 66209

and a copy was hand-delivered to the office of:

Stacy L. Cook
235 S. Topeka Blvd.
Topeka, KS 66603

A handwritten signature in cursive script, reading "Betty J. Johnson", is written over a horizontal line.