

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

**FILED**  
**APR 25 2005**  
KS State Board of Healing Arts

In the Matter of )  
 )  
**Craig Storck, D.C.**, )  
Application for Reinstatement of )  
License No. 1-04208 (CAN) ) Docket No. 05-HA-71  
\_\_\_\_\_ )

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts (“Board”) by and through Kelli J. Benintendi, Associate Counsel (“Petitioner”), and Craig Storck, D.C., (“Applicant”), *pro se*, and move the Board for approval of a Consent Order as a condition to granting Applicant’s application for retroactive reinstatement of his license to practice chiropractic in the State of Kansas. The parties stipulate and agree to the following:

1. Applicant’s last known mailing address to the Board is 801 N. Mur-Len Road, Suite 102, Olathe, Kansas 66062.
2. Applicant was previously entitled to engage in the practice of chiropractic in the State of Kansas, having been issued License No. 1-04208 on February 5, 1994. Such license was canceled for failure to renew on February 1, 2004.
3. Applicant submitted an Application for Reinstatement of Licensure (“Application”) to the Board on or about January 28, 2005. Applicant further requested that reinstatement be granted retroactively to the date of cancellation. Such Application was deemed complete and filed with the Board on March 18, 2005.

4. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of chiropractic. K.S.A. 65-2801 *et seq.*; K.S.A. 65-2871.

5. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2838.

6. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

7. The Kansas Healing Arts Act is constitutional on its face and as applied in this case.

8. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

9. Applicant voluntarily and knowingly waives his right to a hearing. Applicant voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

10. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

11. Since the cancellation of Applicant's license on February 1, 2004, continuing through February 28, 2005, Applicant has engaged in the practice of chiropractic, in violation of K.S.A. 65-2867(a).

12. Pursuant to K.S.A. 65-2836(f), the Board has authority to deny Applicant's Application due to Applicant's willful and/or repeated violation of the healing arts act.

13. In applying for reinstatement, Applicant represented to the Board that he completed the application and sent it to the Board in November of 2004, but the Application had been lost in the mail and therefore was not received by the Board. Applicant stated the lost Application was part of the reason why he did not apply to reinstate his license earlier.

14. On or about January 28, 2005, Applicant submitted an altered Application to the Board, with the required field for the date removed from the signature line.

15. Pursuant to K.S.A. 65-2836(a), there are grounds to deny Applicant's Application due to Applicant's misrepresentation of the date for his signature in applying for a reinstated license.

16. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

17. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary measures and limitations as a condition to granting retroactive reinstatement of his license to engage in the practice of chiropractic:

- (a) Applicant is hereby publicly censured for committing misrepresentation in his application and for his unlicensed practice of chiropractic following the cancellation of his license;

- (b) Applicant's license is suspended for a period of 30 (thirty) days commencing \_\_April 23\_\_\_\_\_, 2005;
- (c) Applicant is fined \$5,000.00, to be paid to the Board in monthly installments of \$200.00, due on or before the 15<sup>th</sup> of each month, commencing the second month after his license is reinstated. Failure to make payment by the due date shall result in the fine balance becoming immediately due in full.

18. This Consent Order constitutes disciplinary action against Applicant's license to engage in the practice of chiropractic in Kansas.

19. Applicant's failure to comply with the provisions of the Consent Order will result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

20. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

21. Applicant hereby releases the Board, its individual members (in their official and personal capacities), attorneys, employees and agents, hereinafter collectively referred to as ("Releasees"), from any and all claims, including but not limited to, those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq* arising out of the investigation and acts leading to the execution of this Consent Order. This release

shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

22. Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record, and shall be reported to the National Practitioner Databank, CIN-BAD, and any other reporting entities requiring disclosure of this Consent Order.

23. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

24. Applicant agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Applicant is not present. Applicant further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

25. Applicant, by signature to this document, waives any objection to the participation of the Board members in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

26. Applicant acknowledges that he has read this Consent Order and fully understands the contents and that this Consent Order has been entered into freely and voluntarily.

27. All correspondence or communication between Applicant and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Kelli J. Benintendi, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

28. Applicant shall obey all federal, state and local laws and rules governing the practice of chiropractic in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

29. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

30. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

**IT IS FURTHER ORDERED** that upon meeting all requirements for retroactive reinstatement, Applicant shall be granted such retroactive reinstatement of his license.

**IT IS FURTHER ORDERED** that:

- (a) Applicant is hereby publicly censured;

- (b) Applicant's license is suspended for a period of 30 (thirty) days, commencing \_\_April 23\_\_\_\_\_, 2005; and
- (c) Applicant is fined \$5,000.00, to be paid to the Board in monthly installments of \$200.00, due on or before the 15<sup>th</sup> of each month, commencing the second month after Applicant's license is reinstated. Failure to make payment by the due date shall result in the fine balance becoming immediately due in full.

**IT IS SO ORDERED.**

**KANSAS STATE BOARD OF HEALING ARTS**

\_\_\_\_\_/s/\_\_\_\_\_  
Lawrence T. Buening, Jr.  
Executive Director

\_\_\_\_\_/4/25/05\_\_\_\_\_  
Date

\_\_\_\_\_/s/\_\_\_\_\_  
Craig Storck, D.C.  
Applicant

\_\_\_\_\_/4-1-05\_\_\_\_\_  
Date

Prepared by:

    /s/      
Kelli J. Benintendi, #16032  
Associate Counsel  
Kansas State Board of Healing Arts  
235 South Topeka Boulevard  
Topeka, Kansas 66603-3068  
(785) 296-7413

**CERTIFICATE OF SERVICE**

I, Kelli J. Benintendi, Associate Counsel, Kansas Board of Healing Arts, hereby certify that I served a true and correct file-stamped copy of the above **Consent Order** by United States mail, postage prepaid, on this 26<sup>th</sup> day of April, 2005, to the following:

Craig Storck, D.C.  
801 North Mur-Len Road, Suite 102  
Olathe, Kansas 66062

and the original was hand-delivered for filing to:

Lawrence T. Buening, Jr.  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

/s/  
\_\_\_\_\_  
Kelli J. Benintendi  
Associate Counsel