

**EFFECTIVE AS A
FINAL ORDER**

DATE: 4/21/14

FILED
MAR 31 2014 *AG*

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

KS State Board of Healing Arts

In the Matter of)
)
John B. Bowers, D.C.)
Kansas License No. 01-03858)
_____)

**KSBHA Docket No. 14-HA00121
Investigation No. 12-00529**

SUMMARY ORDER

NOW ON THIS 31st day of March, 2014, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. John B. Bowers, D.C. ("Licensee") was originally issued license number 01-03858 to practice chiropractic in the state of Kansas on December 4, 1987. Licensee's current license designation is active, and such license was last renewed on or about January 1, 2014.
2. Licensee's last known mailing address to the Board is: 3450 North Rock Road, Suite 503, Wichita, Kansas 67226.
3. On or about June 25, 2012, the Board received a complaint alleging patients of the Vanderbilt Cystic Fibrosis Care Center reported receiving solicitations from an individual name

Russ Bianki directing them to see Licensee. Complainant further indicated that Licensee claimed that he can get all cystic fibrosis patients off medications.

4. Based on the complaint, Board Investigator Jacque Anderson sent a certified letter and subpoena to Licensee's professional office on or about January 15, 2013, legally requesting the following documents:

ANY and ALL records in your possession and control or subject to your possession and control, including but not limited to radiology films and reports, regardless of source, pertaining to:

1. All Cystic Fibrosis Patients
2. Two patients, each, that have been treated with Allergy/Sensitivity Elimination and Reprogramming Technique, Eyalight Therapy and Ionic Hydrotherapy.

5. The aforementioned subpoena was received and signed for by Ashley Beck, Licensee's front desk receptionist, on or about January 22, 2013 at Licensee's professional office.

6. Investigator Anderson sent another letter on February 27, 2013, giving Licensee ten (10) days in which to respond to the complaint's allegations.

7. On or about April 2, 2013, Investigator Anderson received a phone call from Licensee's receptionist requesting the original letter and subpoena from January 15, 2013, to be faxed again so that Licensee could respond to the allegations. Investigator Anderson confirmed Licensee's fax number and the requested information was provided to Licensee's office that same day.

8. On or about April 23, 2013, Investigator Anderson called Licensee and left a message inquiring whether Licensee intended to respond. No response from Licensee has been received by the Board to that inquiry.

9. Three additional calls by Investigator Anderson were placed to Licensee with the last phone call occurring on or about May 24, 2013.

10. For over one year, Licensee has failed to respond to the duly authorized subpoena issued by the Board. Licensee failed to request additional time to respond to the Board subpoena, failed to contact the Board with any concerns or questions and failed to produce the documents legally requested by the Board as listed in the Board subpoena.

11. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board's Disciplinary Panel # 28. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

Applicable Law

12. K.S.A. 65-2836 of the Kansas Healing Arts Act states in pertinent part:

A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(r) The licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board.

Conclusions of Law

13. The Board finds that Licensee violated K.S.A. 65-2836(r) when he repeatedly failed to respond or submit records pursuant to a duly authorized subpoena.

14. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

15. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A.

77-537(a) in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

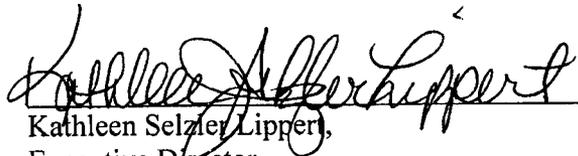
IT IS, THEREFORE, ORDERED that Licensee's license is hereby **INDEFINITELY SUSPENDED** for violating the Kansas Healing Arts Act. Licensee shall be Indefinitely Suspended until such time as he provides the records pursuant to Investigation Case No. 12-00695, Subpoena No. 15015

IT IS, THEREFORE, ORDERED that Licensee is **PUBLICLY CENSURED** for violations of the Kansas Healing Arts Act.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 31 day of March, 2014.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzer Lipper,
Executive Director

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE 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 Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 21st day of April, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

John B. Bowers, DC
3450 North Rock Road
Wichita, KS 67226

And a copy was hand-delivered to:

Susan R. Gering, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant