

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of )
GARY D. BERNHARDT, M.D. )
Kansas License No. 04-18701 )

Docket No. 19-18-HA 00012

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Courtney E. Manly, Associate Litigation Counsel ("Petitioner"), and Gary D. Bernhardt, M.D. ("Licensee"), by and through his attorney, Kelli Stevens, of Forbes Law Group, LLC, and move the Board for approval of a Consent Order affecting Licensee's license to practice medicine and surgery in the State of Kansas. The Parties stipulate and agree to the following:

- 1. Licensee's last known mailing address to the Board is: [REDACTED], Olathe, Kansas 66062.
2. Licensee is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-18701 on approximately July 1, 1980, and having last renewed such license on May 30, 2018. Licensee maintained an Active license designation through approximately May 29, 2018, when Licensee changed his license designation to Inactive in conjunction with renewing his license. Licensee's current license designation is Inactive.
3. 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 medicine and surgery. K.S.A. 65-2801 et seq. and K.S.A. 65-2869.

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4. 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. 77-505 and 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee 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. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

7. 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. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

8. The Board has received information and investigated the same, and has reason to believe there may be grounds under K.S.A. 65-2836(b), K.S.A. 65-2836(f), K.S.A. 65-2836(k), K.S.A. 65-2837(b)(12), K.S.A. 65-2837(b)(23), K.S.A. 65-2837(b)(25), and K.A.R. 100-24-1, to take action on Licensee's license under the Kansas Healing Arts Act, K.S.A. 65-2801, *et seq.*

9. The facts supporting the allegations in this Consent Order are as follows:

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10. On February 2, 2015, the Board received a complaint from [REDACTED] [REDACTED] alleging Licensee had improperly prescribed controlled substances to him, [REDACTED] [REDACTED] and others, while not maintaining proper medical records.

11. On October 13, 2015, the Board received a response from Licensee concerning the allegations of the complainant. In the response, Licensee acknowledged he prescribed Adderall to [REDACTED] and prescribed Ritalin [REDACTED]

12. On or about July 23, 2015, the Board received further evidence that Licensee had prescribed controlled substances to [REDACTED] [REDACTED] and prescribed [REDACTED] to [REDACTED]. Additionally, Licensee's prescribing for other patients presented cause for further investigation.

13. The Board requested, and received medical records from Licensee for several patients, including [REDACTED]. Those records reflect the following:

- a. There are instances where patients were prescribed medication, but no record of the prescription is in the medical records;
- b. Several medical records for patients are incoherent, and illogical; and
- c. There are instances where Licensee prescribed certain medication, but did not document objective symptoms for which the medications were prescribed.

14. On or about November 6, 2015, the Board received an additional response from the Licensee regarding the patient records that were requested. At times, in his response, Licensee does not make sense. For example, he stated, "She lives considering smoking cessation in November of 2013 but was not able to buy Chantix and Inderal for rate program at her work." Another statement revealed concerns regarding Licensee's prescribing practice. Specifically, he

stated, "She was given a prescription for both Adderall and Vyvanse to decide which would work better..."

15. Additionally, throughout the investigation, the Kansas State Board of Healing Arts Investigator ("Investigator") spoke with Licensee on several separate occasions. During those conversations, the Investigator observed Licensee's speech to be disjointed, slurred, and sometimes halting.

16. Based on concerns regarding Licensee's clinical competency and [REDACTED]  
[REDACTED]

and the Center for Personalized Education for Physicians ("CPEP") [REDACTED]

17. [REDACTED]  
[REDACTED]

18. On November 11, 2016, through November 14, 2016, Licensee [REDACTED]  
[REDACTED]

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
- e. [REDACTED]
- f. [REDACTED]
- g. [REDACTED]
- h. [REDACTED]
- i. [REDACTED]

j.

k.

l.

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iii.

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e.

f. Follow all recommendations of the Kansas Board of Healing Arts.

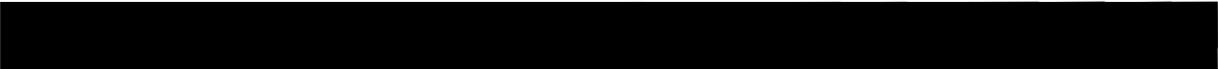
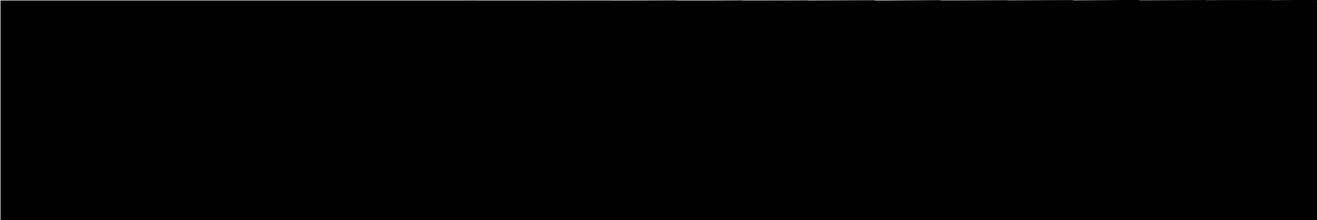
21. On March 9, 2017, through March 10, 2017, Licensee participated in a CPEP Assessment to evaluate his practice of family medicine.

22. CPEP's assessment findings provide:

Licensee demonstrated fund of knowledge in outpatient family medicine was variable, ranging from acceptable to inadequate. His clinical judgment and reasoning were inadequate, with particular concerns identified regarding his prescribing of controlled substances. Overall, his documentation in actual patient charts was not adequate. His communication skills were unsatisfactory with SPs and professional peers.

23. Based on the assessment, CPEP provided Licensee with recommendations, including:

- a. Controlled Substance Point-of-Care ("POC") Experience;
- b. Educational Preceptor;
- c. Continuing Medical Education ("CME") courses that include the indicated areas of demonstrated need, including prescribing controlled substances;
- d. Documentation: Course with follow-up component and adoption of charting system that includes controlled substance agreements; and
- e. Communication course with Simulated Patients ("SP") encounters and immediate coaching and feedback.

24.   
  


25. In February 2018, the Board received additional patient complaints alleging Licensee had closed his practice, and they were having difficulty in obtaining their medical records from him. As a result, KSBHA Investigation No. 18-00528 was opened.

26. To address the concerns of KSBHA Investigation No. 18-00528, all electronic medical records, from April 2011, through November 2017, from Licensee's private practice are now stored with DataFile Technologies. Licensee's hard copy medical records from 2004, through March 2011, from his private practice are stored at Corporate Records System, Inc.

27. On March 20, 2018, the Board received a complaint from a medical provider, alleging concern that two [REDACTED] [REDACTED] [REDACTED] [REDACTED] were printing prescriptions for themselves, under Licensee's name and closed family practice. The medical provider stated she had not notified Licensee of this concern, because she did not have any contact information for Licensee. As a result, KSBHA Investigation No. 18-00601 was opened.

28. Effective approximately May 30, 2018, Licensee voluntarily changed his Kansas license designation from Active to Inactive, and does not presently intend to return to the active practice of medicine and surgery.

29. Licensee's acts, if proven, constitute a violation under K.S.A. 65-2836(b).

30. Licensee's acts, if proven, violated K.S.A. 65-2836(b), as further defined in K.S.A. 65-2837(b)(12), in that Licensee committed acts that are likely to deceive, defraud, or harm the public.

31. Licensee's acts, if proven, violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(23), in that Licensee inappropriately prescribed controlled substances [REDACTED]

32. Licensee's acts, if proven, violated K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(25), in that Licensee failed to keep written medical records which accurately describe the services rendered, including patient histories, pertinent findings, examination results, and test results.

33. Licensee's acts, if proven, violated K.S.A. 65-2836(k), in that Licensee violated a lawful rule and regulation of the Board. Specifically, Licensee violated K.A.R. 100-24-1 by failing to maintain an adequate record for each patient for whom he performed a personal service for.

34. Licensee's acts, if proven, violated K.S.A. 65-2836(f), in that Licensee willfully or repeatedly violated the Kansas Healing Arts Act or the Uniform Controlled Substances Act, or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment which are relevant to the practice of healing arts.

35. Under K.S.A. 65-2836, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's license and under K.S.A. 65-2863a the Board has the authority to impose administrative fines for violations of the Kansas Healing Arts Act.

36. According to K.S.A. 65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

37. All pending investigation materials in KSBHA Investigation No. 15-00496 regarding Licensee, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Additionally, in lieu of further investigation and proceedings, the parties agree that this Consent Order fully and completely resolves all factual and legal allegations which may be raised based on KSBHA Investigation Nos. 15-00496, 18-00528, and 18-00601. Disciplinary

Panel No. 31 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

38. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice medicine and surgery in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*

39. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas 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 Kansas Healing Arts Act.

40. Licensee hereby releases the Board, its individual members (in their official and personal capacity), 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 Judicial Review Act, 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 Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

41. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

42. 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.

43. Licensee 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 Licensee is not present. Licensee 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.

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

45. Licensee acknowledges he has read this Consent Order and fully understands the contents.
46. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.
47. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_ComplianceCoordinator@ks.gov](mailto:KSBHA_ComplianceCoordinator@ks.gov)

48. Licensee shall obey all federal, state and local laws and rules governing the practice of medicine and surgery 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.
49. 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.
50. This Consent Order constitutes **public disciplinary action**.
51. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
52. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his License to engage in the practice medicine and surgery:

## SURRENDER OF DEA REGISTRATION

53. Licensee agrees to surrender his Drug Enforcement Administration (“DEA”) registration on or before August 17, 2018.

54. Within five (5) days of surrendering his DEA registration, Licensee shall submit proof of surrender to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_ComplianceCoordinator@ks.gov](mailto:KSBHA_ComplianceCoordinator@ks.gov)

55. In the event Licensee surrenders his DEA registration prior to the August 10, 2018, Board meeting, and has submitted proof of surrender to the KSBHA Compliance Coordinator, this requirement will be considered satisfied.

## LIMITATION ON KANSAS LICENSE DESIGNATION

56. Licensee’s license to practice medicine and surgery in Kansas is hereby limited to an Inactive designation.

57. Any application filed by Licensee for a change of license designation to an Active or Exempt designation, shall be deemed to be a motion to modify this Consent Order. Licensee agrees that in the Board’s consideration of such a motion, Licensee shall bear the burden of proof of clear and convincing evidence, and that such motion will be evaluated under the factors established in *Vakas v. Kansas Board of Healing Arts*, 248 Kan. 589 (1991), and all applicable statutes and regulations governing the qualifications and fitness or licensure and active practice in the State of Kansas.

58. In the event Licensee meets his burden of proof, and the Board approves his motion to change his license designation to Active or Exempt, Licensee will remain subject to the following provisions of this Consent Order, indicated in paragraphs 59 through 101, unless the Board is provided with sufficient evidence, and specifically determines that one or more of the following provisions has already been satisfactorily completed.

### MONITORING

59. Within ten (10) days of the Board approving Licensee's Motion to Modify the Consent Order, granting a license designation change to Active or Exempt, Licensee shall enter into and comply with all the terms and conditions of a [REDACTED] and agrees to follow all recommendations by [REDACTED] for Licensee's [REDACTED]

[REDACTED] Licensee further agrees to immediately notify the Board of any revisions to the contract, and to immediately provide a copy of such revised contract to the Board. Licensee agrees to comply with all the terms [REDACTED] including any amendments or revisions that are made [REDACTED]

60. The requirements of the [REDACTED] contract include all the recommendations of [REDACTED] and CPEP, including but not limited to:

a. [REDACTED] and follow all recommendations;

b. [REDACTED]  
[REDACTED]

- i. Licensee shall have each [REDACTED] completed within one (1) calendar year of the Board approving Licensee's Motion to Modify the Consent Order, granting a license designation change to Active or Exempt.
- c. Licensee shall attend [REDACTED] and [REDACTED] focusing on boundaries, unless and until otherwise recommended by Licensee's [REDACTED]  
[REDACTED]
- i. Licensee shall enroll in both [REDACTED] and [REDACTED] [REDACTED] within thirty (30) days of the Board approving Licensee's Motion to Modify the Consent Order, granting a license designation change to Active or Exempt.
- d. [REDACTED]
- e. Training in [REDACTED] skills;
  - i. Licensee shall attend and successfully complete a training on [REDACTED] skills, which is approved by [REDACTED] no later six (6) months after the Board approves Licensee's Motion to Modify the Consent Order, granting a license designation change to Active or Exempt.
- f. Licensee shall complete [REDACTED] and [REDACTED] with a focus on assertiveness skills, unless and until otherwise recommended by Licensee's [REDACTED]  
[REDACTED]
- i. Licensee shall enroll in both the [REDACTED] and [REDACTED] within thirty (30) days of the Board approving Licensee's Motion to Modify the Consent Order, granting a license designation change to Active or Exempt.

- g. Licensee agrees to not prescribe any medication, including but not limited to controlled substances and [REDACTED] to [REDACTED]; or any [REDACTED] include, but are not limited to [REDACTED]
- h. Complete and comply with Paragraphs 61 through 100 of this Consent Order, which incorporate the remaining CPEP recommendations.

**CPEP: CONTROLLED SUBSTANCE POINT-OF-CARE (“POC”) EXPERIENCE**

61. Licensee shall enter into and successfully complete the Controlled Substance Point-of-Care (“POC”) Experience [REDACTED]
62. Licensee must enroll in the POC Experience within thirty (30) days of the Board approving Licensee’s Motion to Modify the Consent Order, granting a license designation change to Active or Exempt. Licensee must also provide proof of enrollment to the Compliance Coordinator within ten (10) days of enrollment.
63. Licensee must successfully complete the POC Experience within one (1) calendar year of the Board approving Licensee’s Motion to Modify the Consent Order, granting a license designation change to Active or Exempt.
64. All costs associated with the POC Experience shall be at Licensee’s expense and include, but are not limited to, the cost of the POC Experience, any cost of travel required for the POC Experience, and any cost of accommodation while completing the POC Experience.
65. Proof of enrollment and successful completion of the POC Experience shall be submitted to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
KSBHA\_ComplianceCoordinator@ks.gov

### EDUCATIONAL PRECEPTOR

66. Licensee shall have an educational preceptor at his designated practice location. The Board designates the Disciplinary Panel's Appointed Member to approve the proposed educational preceptor(s).

67. Licensee shall submit the initial request for approval of his educational preceptor within thirty (30) days of the Board approving Licensee's Motion to Modify the Consent Order, granting a license designation change to Active or Exempt. Further, Licensee shall submit each subsequent request for approval of a new substitute educational preceptor prior to the departure of the previously Board-approved educational preceptor.

68. For the proposed educational preceptor, Licensee must: submit a current Curriculum Vitae of the proposed educational preceptor; and provide a copy of the [REDACTED] and a copy of this Consent Order to the proposed educational preceptor.

69. The proposed educational preceptor must be a Kansas-licensed doctor of medicine and surgery and a member of the same group, or employed by the same healthcare organization as Licensee, and practice at the same facility unless otherwise approved by the Disciplinary Panel's appointed member.

70. Licensee shall submit all requests for approval of the educational preceptor to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_ComplianceCoordinator@ks.gov](mailto:KSBHA_ComplianceCoordinator@ks.gov)

**EDUCATION: PRESCRIBING CONTROLLED SUBSTANCES**

71. Licensee shall attend and successfully complete CPEP's course, "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls" within six (6) months of the Board approving Licensee's Motion to Modify the Consent Order, granting a license designation change to Active or Exempt, unless otherwise approved by the Board.
72. Licensee shall provide proof of enrollment in the "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls" within ten (10) days of enrollment.
73. All costs associated with this course shall be at Licensee's own expense to include, but is not limited to, the cost of the course, the cost of travel to and from the course, and the cost of accommodations while attending the course.
74. These hours shall be in addition to those continuing education hours required for renewal of licensure.
75. Licensee shall provide proof of successfully completing the "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls" within thirty (30) days of successfully completing the program.
76. Proof of enrollment and successful completion of the course shall be submitted to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_ComplianceCoordinator@ks.gov](mailto:KSBHA_ComplianceCoordinator@ks.gov)

### **EDUCATION: DOCUMENTATION**

77. Licensee shall attend and successfully complete the CPEP Medical Record Keeping Seminar, within six (6) months of the Board approving Licensee's Motion to Modify the Consent Order, granting a license designation change to Active or Exempt, unless otherwise approved by the Board.
78. Licensee shall provide proof of enrollment in the seminar within ten (10) days of enrollment.
79. All costs associated with this seminar shall be at Licensee's own expense to include, but is not limited to, the cost of the seminar, the cost of travel to and from the seminar, and the cost of accommodations while attending the seminar.
80. These hours shall be in addition to those continuing education hours required for renewal of licensure.
81. Licensee shall provide proof of successfully completing the CPEP Medical Record Keeping Seminar within thirty (30) days of successfully completing the program.
82. Proof of enrollment and successful completion of the seminar shall be submitted to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_ComplianceCoordinator@ks.gov](mailto:KSBHA_ComplianceCoordinator@ks.gov)

### **MONITORING: DOCUMENTATION**

83. Within ten (10) days of attending the CPEP Medical Record Keeping Seminar as described above, Licensee shall enter into and comply with all the terms and conditions of a one (1) year

documentation monitoring contract with Coding and Compliance Initiatives, Inc. ("CCI"), and agrees to follow all recommendations by CCI.

84. Licensee shall provide proof of enrollment in CCI monitoring to the Compliance Coordinator within ten (10) days of enrolling.

85. This monitoring shall be for the purpose of ensuring Licensee is documenting in accordance with all relevant statutory, regulatory, and standard of care requirements.

86. The Monitor shall conduct his/her first review within thirty (30) days of Licensee attending the CPEP Medical Record Keeping seminar.

87. Licensee will randomly choose a minimum of twenty (20) patient charts from patients who were seen by Licensee in the preceding month to send to CCI on the 28<sup>th</sup> of each month. Out of those patient charts, CCI may choose to review all of the patient charts submitted, or at the minimum, randomly choose at least ten (10) patient charts to review Licensee's documentation.

88. Monitor(s) shall submit a written report of the results of each review to the Board on a quarterly basis as described below. The report shall identify any deficiencies in Licensee's practices, which in the professional judgment of the Monitor(s) reasonably warrants corrective action by Licensee. The Monitor(s) shall provide a copy of each report to Licensee and the Board.

89. Monitoring reports shall be due quarterly to the Board, and the first quarterly monitoring report shall be due no later than ninety (90) days after entering into the monitoring contract.

90. Licensee is responsible for ensuring CCI's timely submission of reports to the Board.

91. Licensee shall take any and all corrective actions which are reasonably necessary to correct any and all deficiencies identified in any of the practice reviews conducted by the Monitor.

92. Licensee is responsible for all costs and expenses associated with CCI monitoring.

93. All costs associated with monitoring shall be at Licensee's own expense.
94. All requirements of monitoring shall be submitted to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
[KSBHA\\_ComplianceCoordinator@ks.gov](mailto:KSBHA_ComplianceCoordinator@ks.gov)

#### **EDUCATION: COMMUNICATION**

95. Licensee shall attend and successfully complete CPEP's "Advanced Skills in Clinician-Patient Communication" course within six (6) months of the Board approving Licensee's Motion to Modify the Consent Order, granting a license designation change to Active or Exempt, unless otherwise approved by the Board.
96. Licensee shall provide proof of enrollment in the "Advanced Skills in Clinician-Patient Communication" within ten (10) days of enrollment.
97. All costs associated with this course shall be at Licensee's own expense to include, but is not limited to, the cost of the course, the cost of travel to and from the course, and the cost of accommodations while attending the course.
98. These hours shall be in addition to those continuing education hours required for renewal of licensure.
99. Licensee shall provide proof of successfully completing the "Advance Skills in Clinician-Patient Communication" within thirty (30) days of successfully completing the program.
100. Proof of enrollment and successful completion of the course shall be submitted to:

Kansas Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level Suite A  
Topeka, Kansas 66612  
KSBHA\_ComplianceCoordinator@ks.gov

**TIMEFRAME**

101. This Consent Order is not self-terminating. Licensee must complete all recommendations [REDACTED] before he can request termination of the Consent Order.

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

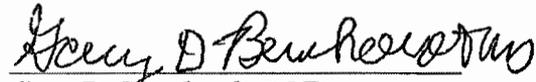
**IT IS SO ORDERED** on this 17 day of Aug., 2018.

**FOR THE KANSAS STATE BOARD OF  
HEALING ARTS:**

  
Kathleen Selzler Lippert  
Executive Director

8/17/18

Date

  
Gary D. Bernhardt, M.D.  
Licensee

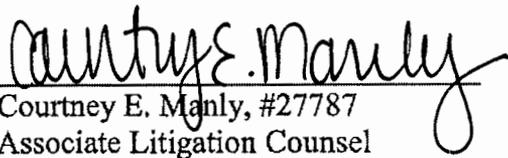
06-29-2018

Date

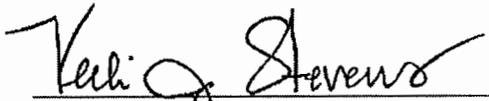
PREPARED AND APPROVED BY:

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Consent Order  
Gary D. Bernhardt, M.D.



Courtney E. Manly, #27787  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612  
Phone: 785-296-1384  
Fax: 785-368-8210



Kelli J. Stevens, #16032  
Attorney for Licensee  
Forbes Law Group, LLC  
6900 College Blvd., Suite 840  
Overland Park, KS 66211

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 20<sup>th</sup> day of August, 2018, to the following:

Kelli J. Stevens  
Attorney for Licensee  
Forbes Law Group, LLC  
6900 College Blvd., Suite 840  
Overland Park, KS 66211

Gary D. Bernhardt  
Licensee  
[REDACTED]  
Olathe, KS 66062

And the original was hand-filed with:

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

And a copy was hand-delivered to:

Courtney E. Manly  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Compliance Coordinator  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

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**Consent Order**  
**Gary D. Bernhardt, M.D.**