

F I L E D

JUN 25 2002

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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
LLEWELLYN V. BORGENDALE, M.D.)
Kansas License No. 04-125597)
_____)

Docket No. 01-HA-06

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 1st day of June, 2002, comes on for conference hearing before the Kansas State Board of Healing Arts ("Board"), the Written Request to Terminate Limitations filed herein on April 12, 2002. Llewellyn V. Borgendale, M.D. ("Licensee") appears in person in support of his Request. The Board appears by Kelli J. Benintendi, Associate Counsel.

After hearing the statements of Licensee, the arguments of counsel and reviewing the agency record, the Board finds, concludes and orders as follows:

1. Licensee is licensed to practice medicine and surgery in the state of Kansas, having been originally licensed in July 1961.
2. The Board and Licensee entered into a Stipulation and Agreement and Enforcement Order ("Stipulation") that was filed in the above-captioned matter on December 12, 2000.
3. In paragraph 10(b)(i through ix) of the Stipulation, Licensee agreed to certain limitations being placed on his license to practice medicine and surgery. Paragraph 10(e) of the Stipulation provided that Licensee could request termination of the Stipulation after Board staff has received twelve monthly monitoring reports.
4. The Board has received twelve monthly monitoring reports and Licensee is requesting that the limitations imposed by the Stipulation be terminated.

5. The monitoring physician for Licensee has recommended that the monitoring of Licensee's practice be changed but that there continue to be monitoring of certain patients.

6. Licensee's Written Request to Terminate Limitations should be denied.

7. The Board finds that the parties are in agreement that changes be made in the manner in which Licensee's practice is monitored. The Board further finds and concludes that paragraph 10(b)(viii) of the Stipulation be modified to provide that there will no longer be any monitoring of patients being treated by Licensee for anxiety or diet management nor for the management of patients who have currently been maintained on pain medications and have, therefore, been previously reviewed by the monitoring physician. The monitoring physician will continue to perform chart review and submit monthly monitoring reports to Board staff for patients initiating narcotic pain medication and patients who would be undergoing any significant changes in their pain management protocol.

8. Except as above amended, the Stipulation will remain in full force and effect. However, Licensee may again request modification or termination of the Stipulation at any time from and after June 1, 2003.

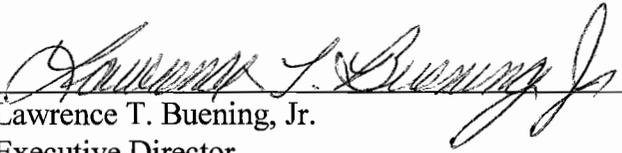
IT IS THEREFORE ORDERED that Licensee's Written Request to Terminate Limitations is denied.

IT IS FURTHER ORDERED that paragraph 10(b)(viii) of the Stipulation is amended to only require continued chart reviews and submission of monthly monitoring reports for patients initiating narcotic pain medication and patients who would be undergoing any significant changes in their pain management protocol.

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. 77-619 et seq. Reconsideration of the 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 S. Topeka Boulevard, Topeka, Kansas 66603.

DATED this 24th day of June 2002.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 25th day of June, 2002, a true and correct copy of the above and foregoing **FINAL ORDER FOLLOWING CONFERENCE HEARING** was deposited in the United States mail, postage prepaid, first class to the following:

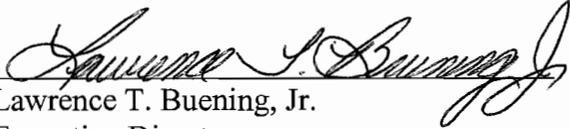
Llewellyn V. Borgendale, Sr., M.D.
1704 Commercial Circle
Wamego, Kansas 66547

Thomas E. Wright
Wright, Henson, Somers, Sebelius, Clark & Baker, LLP
PO Box 3555
Topeka, Kansas 66601-3555

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

Kelli J. Benintendi, Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

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


Lawrence T. Buening, Jr.
Executive Director
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LTB/HD