

**BEFORE THE BOARD OF HEALING ARTS** ~~SKS~~ **State Board of Healing Arts**  
**OF THE STATE OF KANSAS**

In the Matter of )  
 )  
PETER CRISTIANO, MD )  
 )  
Kansas License No. 04-21118 )

DOCKET No. 08-HA 00019

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, (“Board”), by and through Dan Riley, Associate Counsel (“Petitioner”), and Peter Cristiano, M.D. (“Licensee”), by and through Counsel Thomas Beall, 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: 1001 6th Avenue, Suite 300, Leavenworth, Kansas 66048.
2. Licensee has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-21118 on approximately December 6, 1985. Licensee’s license is active.
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.*
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. 65-2838.

Consent Order  
Peter Cristiano, M.D.

5. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.
6. The Kansas Healing Arts Act is constitutional on its face and as applied in the case.
7. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
8. 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.
9. 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.
10. Entry into this Consent Order does not constitute an admission by Licensee. Licensee denies allegations contained in this order and has agreed to settle this matter only for the purpose of avoiding the expense and lost time from further proceedings. Licensee asserts that the conduct giving rise to the alleged violations, if such occurred, took place without Licensee's knowledge or consent.
11. Licensee is the owner of Radiance Skin Care clinic in Leavenworth, Kansas.

12. In about September 2006, Brenda Smith, a naturopathic physician from Arkansas, practiced naturopathy at Licensee's clinic and held herself out as a naturopathic physician to patients.
13. Additionally, Ms. Smith's services at Licensee's clinic were advertised as follows:

Introducing...  
Dr. Brenda Smith  
LPN, EAV Practitioner, N.D.  
(Graduate of Trinity College of Natural Health)

**Radiance Skin Care Center**  
**1001 Sixth Avenue, Suite 102**  
**Leavenworth, Ks.**  
**913-682-7113**

**Cell: (918) 964-1279**  
**E-mail: docshirley1225218@yahoo.com**  
**Website: drsmithsallnaturalhealth.com**

14. Ms. Smith is not licensed to practice naturopathy in the state of Kansas.
15. Pursuant to K.S.A. 65-2836(b)(14), the Board has grounds to take disciplinary action against Licensee's license for aiding and abetting the practice of the healing arts by an unlicensed person.
16. Pursuant to K.S.A. 65-2863a(a), the Board has grounds to assess a fine against Licensee's license for such violations of the healing arts act.
17. 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 of medicine and surgery:

**FINE**

- a. Licensee agrees to pay a **FINE** of five-hundred dollars (\$500). Such fine is payable in full to the "Kansas Board of Healing Arts" on or before August 18, 2007.

18. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act and Kansas Healing Arts Act.
19. 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. 64-4921 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.
20. 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 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 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.
21. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the Federation of State Medical Boards, and any other reporting entities authorized to receive disclosure of the Consent Order.

22. 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.
23. 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.
24. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceedings on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.
25. Licensee acknowledges that he has read this Consent Order and fully understands the contents. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
26. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
27. 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.

28. 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.

29. This Consent Order constitutes disciplinary action.

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

**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:

**FINE**

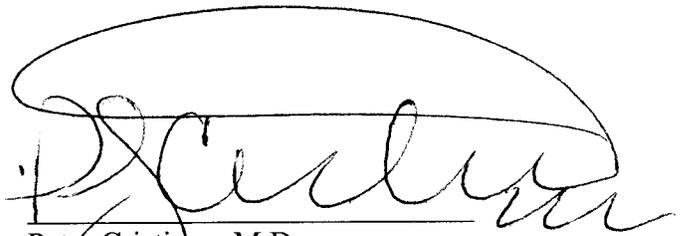
- a. Licensee agrees to pay a **FINE** of five-hundred dollars (\$500). Such fine is payable in full to the "Kansas Board of Healing Arts" on or before August 18, 2007.

**IT IS SO ORDERED** on this <sup>21</sup>~~20~~ day of August, 2007.

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



Lawrence T. Buening, Jr.  
Executive Director

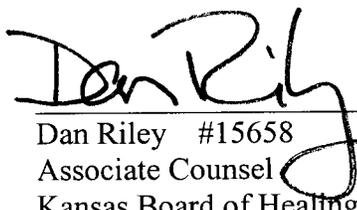


Peter Cristiano, M.D.  
Licensee

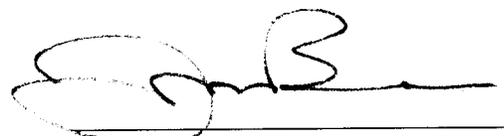
8/18/17

Date

PREPARED AND APPROVED BY:



Dan Riley #15658  
Associate Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068  
(785) 296-7413  
*Attorney for Petitioner*



Thomas E. Beall  
Attorney for Licensee

Date

**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 21<sup>st</sup> day of August, 2007, to the following:

Peter Cristiano, M.D.  
Leavenworth Family Health Center  
1001 Sixth Avenue, Suite 300  
Leavenworth, Kansas 66048

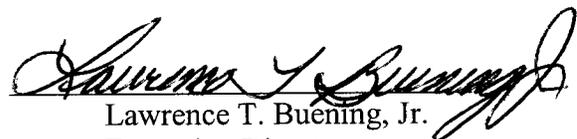
Thomas E. Beall  
Commerce Bank Building  
100 SE 9<sup>th</sup> Street  
PO BOX 3555  
Topeka, Kansas 66601-3555

and the original was hand-filed with:

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

and a copy was hand-delivered to:

Dan Riley  
Associate Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

  
Lawrence T. Buening, Jr.  
Executive Director