

**FILED**

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APR 01 2010

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

KS State Board of Healing Arts

In the Matter of	)	
	)	KSBHA Docket No. 09-HA-00182
Christie M. Mensch, M.D. (FED Active)	)	
License No. 04-31837	)	

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**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, (“Board”), by and through Kelli J. Stevens, Litigation Counsel (“Petitioner”), and Christie M. Mensch, M.D. (“Licensee”), by and through counsel, Carol Ruth Bonebrake, 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 is or has been entitled to engage in the practice of medicine and surgery in the State of Kansas, having been issued License No. 04-31837 on approximately April 8, 2006, and having last renewed such license on approximately July 1, 2009. Licensee currently holds a federal active license.
2. Licensee was originally issued a Postgraduate Permit to practice medicine and surgery in Kansas subject to monitoring provisions of a Consent Order entered in KSBHA Docket No. 05-HA-00022, in October of 2004.
3. Licensee was granted an active license in Kansas to practice medicine and surgery subject to monitoring provisions of a Consent Order entered in KSBHA Docket No. 06-HA-00071, in February of 2006.

4. (confidential)

5. On or about April 21, 2009, a Petition was filed against Licensee's license alleging violation of the Kansas Healing Arts Act.
6. A protective order is hereby entered to protect all confidential information  
(confidential)
7. 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.
8. 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. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.
9. The Kansas Healing Arts Act is constitutional on its face and as applied in the case.
10. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
11. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her 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.

12. 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.

13.

(confidential)

14. Licensee was granted a medical license in Iowa in approximately November 2007.

(confidential)

(confidential)

15.

(confidential)

16. In October of 2008, the Iowa Board of Medicine approved a Statement of Charges and Settlement Agreement, affecting Licensee's Iowa medical license. The Iowa Board of Medicine issued a "Citation and Warning" and a civil penalty in the amount of \$1,000 for Licensee's conduct. Licensee's Iowa license was also placed on probation for two (2) years.

17.

(confidential)

18. Licensee's acts and conduct constitute acts in violation of the Kansas

Healing Arts Act as follows:

- a. K.S.A. 65-2836(j), in that Licensee has had a license to practice the healing arts censured or has had other disciplinary action taken by the proper licensing authority of another state; and
- b. K.S.A. 65-2836(k), in that Licensee has violated any lawful Board order or directive of the Board previously entered by the Board.

19. Pursuant to K.S.A. 65-2836, as set forth above, the Board has grounds to deny, revoke, suspend, limit, place on probation or censure Licensee's license.

20. Pursuant to K.S.A. 65-2863a, the Board has grounds to assess a civil fine against Licensee's license.

21. 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 hearing.

22. In lieu of a conducting formal proceeding, Licensee, by her signature affixed to this Consent Order, hereby voluntarily agrees to the following non-disciplinary action regarding her license to engage in the practice of medicine and surgery:

**FINE**

- a. Licensee is hereby fined \$500.00. Such fine is due and payable in full on or before March 30, 2010. Payment shall be remitted to the "Kansas Board of Healing Arts" and sent to the attention of the Compliance Coordinator, 235 S.W. Topeka Blvd., Topeka, Kansas 66603-3068.

(confidential)

b.

(confidential)

c.

(confidential)

(confidential)

d.

(confidential)

e.

(confidential)

f.

(confidential)

g.

(confidential)

### **MONITORING TIMEFRAME**

h. The above monitoring provisions and limitations are not self-terminating. After a period of five (5) years, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing medicine and surgery in Kansas, the monitoring provisions and limitations will remain in effect but will be tolled and not counted towards reducing the five (5) year timeframe.

23. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking disciplinary action as the Board deems appropriate pursuant to the Kansas Healing Arts Act.

24. 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.

25. 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.
26. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.
27. 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.
28. 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.

29. Licensee, by signature to this document, waives any objection to the participation of the Board members or General Counsel 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.
30. Licensee acknowledges that she has read this Consent Order and fully understands the contents.
31. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
32. 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.
33. 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.
34. 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.

35. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee's license.

**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 Licensee's license be subject to the following non-disciplinary action:

**FINE**

a. Licensee is hereby fined \$500.00. Such fine is due and payable in full on or before March 30, 2010. Payment shall be remitted to the "Kansas Board of Healing Arts" and sent to the attention of the Compliance Coordinator, 235 S.W. Topeka Blvd., Topeka, Kansas 66603-3068.

b.

(confidential)

c.

(confidential)

(confidential)

d.

(confidential)

e.

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(confidential)

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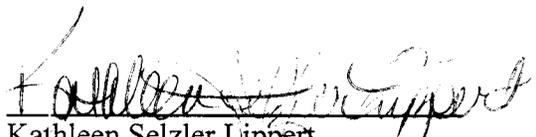
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**MONITORING TIMEFRAME**

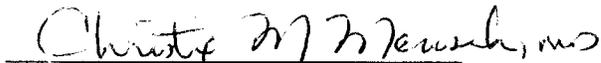
- h. The above monitoring provisions and limitations are not self-terminating. After a period of five (5) years, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing medicine and surgery in Kansas, the monitoring provisions and limitations will remain in effect but will be tolled and not counted towards reducing the five (5) year timeframe.

**IT IS SO ORDERED** on this 1<sup>st</sup> day of ~~February~~ <sup>April</sup>, 2010.

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

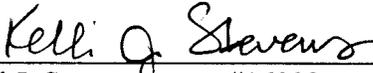
  
Kathleen Selzler Lippert  
Acting Executive Director

4/1/10  
Date

  
Christie M. Mensch, M.D.  
Licensee

3/26/2010  
Date

PREPARED AND APPROVED BY:

  
Kelli J. Stevens, #16032  
Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068  
*Attorney for Petitioner*

APPROVED BY:

  
Carol Ruth Bonebrake, #12672  
Law Office of Carol Ruth Bonebrak, P.A.  
107 SW 6<sup>th</sup> Avenue, Suite 210  
Topeka, Kansas 66603  
*Attorney for Licensee*

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the above Consent Order was served by United States mail, postage prepaid, on this 1<sup>st</sup> day of ~~February~~ <sup>April</sup>, 2010, to the following:

Christie M. Mensch, M.D.  
21213 West 96<sup>th</sup> Terrace  
Lenexa, Kansas 66220

Carcl Ruth Bonebrake  
Law Office of Carol Ruth Bonebrak, P.A.  
107 SW 6<sup>th</sup> Avenue, Suite 210  
Topeka, Kansas 66603

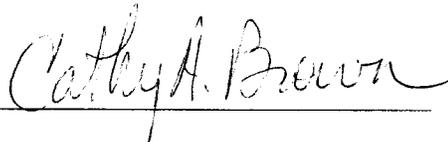
And a copy was hand-delivered to:

Kell J. Stevens, Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

Melissa Massey, Compliance Coordinator  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

And the original was filed with the office of:

Kathleen Selzler Lippert, Acting Executive Director  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

  
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