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June 29, 2007

*Via Facsimile (785) 296-0852*

Kathleen Selzler Lippert  
 Associate Counsel  
 Kansas Board of Healing Arts  
 235 S. Topeka, Boulevard  
 Topeka, Kansas 66603-3068

**FILED**JUN 29 2007 *AB*

KS State Board of Healing Arts

Re: Licensee Kim C. Wade, M.D.  
 Licensee No. 04-26959

Dear Ms. Selzler Lippert:

Enclosed please find the Consent Order that we agreed to. I have signed the Consent Order and have attached the signature of Dr. Wade. As you know, the page signed by Dr. Wade was from an agreement with a different format. I have forwarded the currently formatted document to Dr. Wade and will return a signature page from him as soon as I have it.

If you have any questions or would like to discuss this with me, please call me at your convenience.

Very truly yours,

*Marc K. Erickson*  
 Marc K. Erickson

MKE:sas

Enclosure

cc: Kim Wade, M.D.

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

**FILED**  
JUN 29 2007 *SLB*

In the Matter of )  
Kim C. Wade, M.D. )  
Kansas License No. 04-26959 )

KS State Board of Healing Arts  
Docket No. 07-HA- 00120

**CONSENT ORDER**

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Kathleen Selzler Lippert, Associate Counsel ("Petitioner"), and Kim C. Wade, M.D. ("Licensee"), by and through his counsel, Marc K. Erickson, 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: 9801 E. 85<sup>th</sup> Street, Raytown, Missouri 64138-3330.
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. 04-26959 on approximately June 28, 1997. Licensee held an active license until July 27, 2006. On July 27, 2006, Licensee renewed his Kansas license and requested that his status be changed to inactive. Licensee's license is currently 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.
6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
7. 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.
8. 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.
9. The Board has received information and investigated the same, and has reason to believe that Licensee has violated the Healing Arts Act.

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10. Licensee began a professional relationship with Patient 1 in 1991, as her primary care physician.
11. Licensee began a sexual relationship with Patient 1 in 1993, while he was still her primary care physician.
12. Licensee continued to treat and prescribe medications to Patient 1 between 1999 and August 2004, but failed to maintain any medical record of her care over this four (4) year period.
13. The sexual relationship between Licensee and Patient 1 spanned approximately eleven (11) years. Licensee terminated both the sexual and physician-patient relationship with Patient 1 in 2004.
14. Missouri Division of Professional Registration (Missouri Board) is the regulatory agency in Missouri responsible for licensure and disciplinary actions for specified medical professionals licensed in Missouri.
15. The Missouri Board opened an investigation into Licensee's conduct and notified him of their investigation by letter in December 2004.
16. On February 2, 2005, a Missouri Board investigator interviewed Licensee in the presence of his legal counsel regarding allegations of misconduct.
17. On February 15, 2005, Licensee wrote a letter addressing the allegations contained in the Missouri Board investigation; Licensee asked that his letter be part of the Missouri Board investigation.
18. On May 18, 2005, Licensee submitted a renewal application to the Kansas Board regarding his license in this State. In his May 2005 renewal application, Licensee failed to disclose the Missouri Board investigation.

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19. On July 27, 2006, Licensee submitted a renewal application to the Kansas Board regarding his license in this State. In his July 2006 renewal application, Licensee denied any licensing agency had an investigation, allegation or complaint.
20. In September 2006, the Missouri Board entered into a Settlement Agreement with Licensee that provided for disciplinary action in the form of a public censure of his Missouri license. The basis for the discipline was Licensee's conduct with Patient 1.
21. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Healing Arts Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
22. Licensee's acts, if proven, constitute unprofessional and /or dishonorable conduct as set forth in K.S.A. 65-2836(b). Specifically, evidence supports a violation of:
  - a. K.S.A. 65-2836(a), in that Licensee committed fraud or misrepresentation in applying for or securing a renewal license.
  - b. 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.
  - c. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(16), in that Licensee committed an act of sexual misconduct related to the Licensee's professional practice.

- d. K.S.A. 65-2836(b), as further defined by K.S.A. 65-2837(b)(25) and K.A.R. 100-24-1, in that Licensee failed to keep written medical records which accurately describe the services rendered to a patient; including any pertinent findings, treatment and/or prescriptions authorized.
23. Pursuant to K.S.A. 65-2836 the Board has grounds to deny, revoke, suspend, limit, or censure Licensee's license
24. According to K.S.A.65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
25. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action on his license to engage in the practice of medicine and surgery:

#### SURRENDER

- a. Licensee hereby SURRENDERS his license to practice medicine and surgery, effective upon filing of this Consent Order with the Board. Such surrender shall be treated as a revocation for all purposes, including reporting. Licensee may not apply for reinstatement of his license until three (3) years after the date the Consent Order is filed with the Board.
- b. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.

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- c. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in this Consent Order will be considered as findings of fact and conclusions of law.
- d. Licensee shall place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board on or before August 15, 2007, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.
26. 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.
27. 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.
28. 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

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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.

29. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National Practitioner Databank, Federation of State Medical Boards, and any other reporting entities authorized to receive disclosure of the Consent Order.
30. 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.
31. 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.



32. 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.
33. Licensee acknowledges that he has read this Consent Order and fully understands the contents.
34. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
35. 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.
36. 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.
37. This Consent Order constitutes disciplinary action.
38. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

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**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:

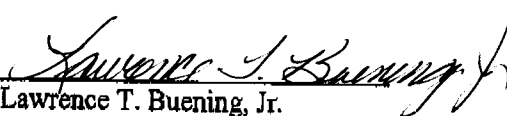
**SURRENDER**

- a. Licensee hereby SURRENDERS his license to practice medicine and surgery, effective upon filing of this Consent Order with the Board. Such surrender shall be treated as a revocation for all purposes, including reporting. Licensee may not apply for reinstatement of his license until three (3) years after the date the Consent Order is filed with the Board.
- b. Licensee agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.
- c. Licensee agrees that in the event he applies for reinstatement of his license, the allegations contained in this Consent Order will be considered as findings of fact and conclusions of law.
- d. Licensee shall place his patients' records in the custody of another licensed physician or records maintenance facility in compliance with K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board on or before August 15, 2007, of the specific measure taken and the appropriate

contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.

IT IS SO ORDERED on this 29<sup>th</sup> day of June, 2007.

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


  
Lawrence T. Buening, Jr.  
Executive Director

6/27/07  
Date

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Kim C. Wade, M.D.  
Licensee

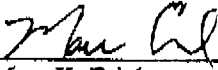
\_\_\_\_\_  
Date

PREPARED AND APPROVED BY:

  
Kathleen Selzler Lippert #D7957  
Associate Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068  
785-296-0961

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Consent Order  
Kim C. Wade, M.D.


AGREED TO BY:



Marc K. Erickson  
Attorney for Licensee  
Wagstaff & Cartmell, LLP  
4740 Grand Avenue, Suite 300  
Kansas City, Missouri 64112  
Attorney for Licensee

**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 2 day of ~~June~~, 2007, to the following:



Kim C. Wade, M.D.  
Licensee  
9801 E. 85<sup>th</sup> Street  
Raytown, Missouri 64138-3330

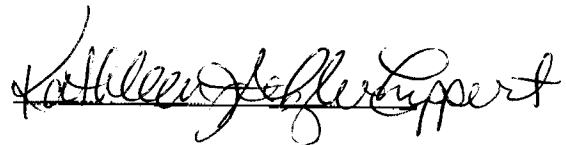
Marc K. Erickson  
Wagstaff & Cartmell, LLP  
4740 Grand Avenue, Suite 300  
Kansas City, Missouri 64112  
Attorney for Licensee

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:

Kathleen Selzler Lippert #17957  
Associate Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

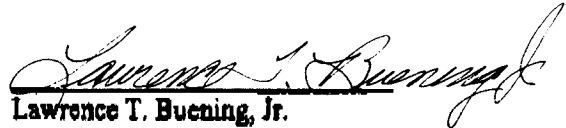


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K.A.R. 100-24-2 and 100-24-3. Licensee shall notify the Board on or before July 15, 2007, of the specific measure taken and the appropriate contact information so that the Board can respond to questions from patients about the location of their medical records and how they can obtain them.

IT IS SO ORDERED on this <sup>th</sup> 29 day of June, 2007.

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

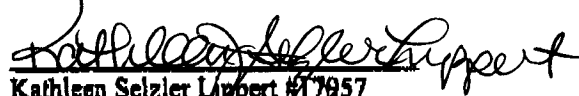
  
Lawrence T. Buening, Jr.  
Executive Director

6/29/07  
Date

  
Kim C. Wade, M.D.  
Licensee

\_\_\_\_\_  
Date

**PREPARED AND APPROVED BY:**

  
Kathleen Selzler Lippert #17957  
Associate Counsel  
Kansas Board of Healing Arts  
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