

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
JUN 24 1996
KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
)
KRISTOPHER K. WENDLER)
Kansas License #04-21487)
_____)

Case no. 93-00140
93-00080

ORDER ON MOTION FOR RECONSIDERATION

NOW ON THIS twenty-second day of June, 1996, comes before the Board the Motion for Reconsideration filed by Disciplinary Counsel. After reviewing the motion and the administrative record, the Board denies reconsideration of the action taken at the April 27, 1996 meeting. Specifically, the proposed order which is attached hereto is adopted as the order of the Board.

At such time as the pending criminal proceedings have been completed, either party may petition the Board for an additional final order. The Board specifically intends that the order now adopted is not a complete and final resolution on the merits, but rather is intended provisionally to resolve the pending dispute until such time as the criminal matter is no longer pending and the appeal procedures have been exhausted.

STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.

Executive Director

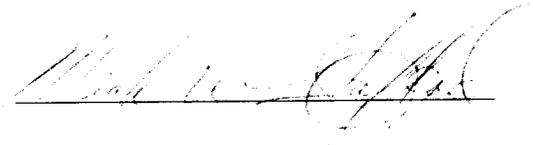
Certificate of Service

I certify that a copy of the foregoing was served this 24 day of June, 1996 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Kenneth J. Reilly
One Kansas City Place, 1200 Main Street
Kansas City, Mo., 64105

further, a copy was hand-delivered to

Kevin K. LaChance
235 S. Topeka Blvd.,
Topeka, Kansas 66603.

A handwritten signature in cursive script, appearing to read "Kevin K. LaChance", is written over a horizontal line.

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
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KRISTOPHER K. WENDLER, M.D.) Case No. 93-00140
) Case No. 96-00080
Kansas License #04-21487)

ORDER

Comes on now for hearing this ___ day of _____, 1996 the Board's Second Amended Petition to Revoke, Suspend or Otherwise Limit Licensure in Case No. 93-00140 and for Reconsideration of the Board's Order Denying Reconsideration and Denying Request for Stay of Final Order in Case No. 96-00080. Respondent appears in person by and through Kenneth J. Reilly, of the law firm of Shook, Hardy & Bacon, L.L.P. The Board appears through Kevin K. LaChance, Disciplinary Counsel.

After hearing the arguments of counsel, the Board finds as follows:

1. Respondent lacked complete candor in connection with the Board's prelicensure investigation in response to a request for information regarding certain answers licensee provided on his license application. The Board determines that respondent should have been more forthright in providing information pursuant to his completion of the license application.

2. That the payment of the medical liability claim referenced in Count II of its Second Amended Petition to Revoke should be dismissed without prejudice.

3. That the Counts III, IV, V, VI, XI and XII of the Board's Second Amended Petition to Revoke should be and are hereby dismissed without prejudice.

4. That Count VII should be and is hereby dismissed without prejudice.

5. That Counts VIII, IX and X should be and are hereby dismissed without prejudice pending the outcome of any judicial determinations made in certain civil actions currently pending the District Court of Johnson County, Kansas. Should it be determined by the trier of fact in those cases that respondent engaged in misconduct which would constitute a violation of K.S.A. 65-2836(b), the Board may take such action as it deems appropriate.

6. That Counts XIII and IXI should be and is hereby dismissed without prejudice.

7. Counts XIV, XV and XVI were heretofore withdrawn.

8. Counts XVII and XVIII are hereby dismissed without prejudice.

9. That Count XX should be and is hereby dismissed with prejudice.

10. That upon the following conditions, it hereby vacates its Order denying reconsideration and denying request for stay of final order in Case No. 96-00080. Those conditions are as follows:

- (a) The respondent agrees to discontinue providing care and treatment to his spouse, including the prescription of medication for her.

- (b) Respondent shall limit his practice of medicine during the pendency of his appeal of the criminal conviction in the Johnson County District Court in which a journal entry of conviction was filed on November 13, 1995. This practice shall be limited to the care and treatment of patients suffering from refractory medically and mentally ill patients, including those suffering from Tourette's, chronic multi-assistant illnesses, neuro-developmental illnesses, neuro-immunological illnesses, mental retardation, seizure disorders, and immune deficiency disorders, including AIDS.
- (c) Respondent shall retain in his office staff a person trained and knowledgeable in patient billing who shall have the primary responsibility for accurate patient billing. Further, respondent shall engage an outside billing audit entity subject to the approval of the Board to review on a monthly basis all billing activities conducted by his practice and respondent shall submit on an annual basis an annual billing review co-authored by respondent's internal and external billing personnel describing the billing conducted by respondent's practice.

11. The Board shall retain jurisdiction over these two petitions until respondent's criminal conviction appeal has been exhausted by respondent resulting in either a new trial for respondent, or an upholding of his conviction. At such time as either of these outcomes has occurred, this Order may be subject to review by the Board and it may be continued, modified or vacated at that time, to include consideration of disciplinary action and allocation of costs.

Lawrence T. Buening, Jr.
Executive Director

SUBMITTED AND APPROVED:

KANSAS STATE BOARD OF HEALING ARTS

By _____
Kevin K. LaChance
Disciplinary Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603-3068
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ATTORNEYS FOR PETITIONER

SHOOK, HARDY & BACON L.L.P.

By _____
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ATTORNEYS FOR RESPONDENT