

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**F I L E D**

MAY 2 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

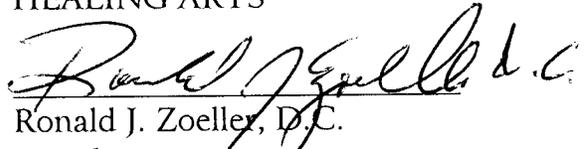
NOW ON THIS 2nd day of May, 1996, comes before the Board the Motion for Reconsideration filed by Disciplinary Counsel. After reviewing the motion, the Board President, acting as presiding officer for the motion, enters the following order:

1. As provided by K.S.A. 1995 Supp. 77-529, the motion is provisionally granted and the matter is set for further proceedings to determine resolution of the motion. Such proceedings will commence at 7:00 p.m. May 8, 1996 at the Board office, 235 S. Topeka Blvd., Topeka, Kansas. This order shall serve as notice of hearing, and no further notice will be given. Any person wishing to appear by telephone may do so by making prior arrangements with the Executive Director. The Board at that time may finally deny the Motion for Reconsideration, and ratify and direct service of the written Order as submitted at the April 27, 1996 meeting; modify the written Order submitted at the April 27 meeting; dissolve the written Order submitted at the April 27 meeting and set the matter for further proceedings; or take the matter under advisement and set the matter for further proceedings.

2. While the matter of reconsideration is pending, and effective this date, the proposed Order which was submitted to the Board in writing, a copy of which is attached hereto and incorporated by reference, shall be the temporary order of the Board, subject to ratification, modification or dissolution following reconsideration, if any.

**IT IS SO ORDERED.**

KANSAS STATE BOARD OF  
HEALING ARTS

  
Ronald J. Zoeller, D.C.  
President

Certificate of Service

I certify that a copy of the foregoing was served this 2nd day of May, 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, and by facsimile at (816) 421-5547; further, a copy was hand-delivered to the office of Kevin K. LaChance, 235 S. Topeka Blvd., Topeka, Kansas 66603.



BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of )  
 )  
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.

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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  
913/296-2075

ATTORNEYS FOR PETITIONER

SHOCK, HARDY & BACON L.L.P.

By \_\_\_\_\_

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ATTORNEYS FOR RESPONDENT