

**FILED**

SEP 29 2014

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

**KS State Board of Healing Arts**

**In the Matter of** )  
**RENAE S. SCHULER, M.D.,** )  
 )  
**Kansas License No. 04-24741** )  
\_\_\_\_\_ )

**KSBHA Docket No. 14-HA00138**

**ORDER DENYING MOTION TO RECONSIDER**

**NOW** on this 15th day of September, 2014, the Kansas State Board of Healing Arts (“Board”), by and through its Executive Director, Kathleen Selzler Lippert, a duly authorized Representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*, specifically, K.S.A. 77-529, and upon due consideration of the agency record and applicable statutes, and being otherwise duly advised in the premises makes the following determination upon Licensee’s Motion to Reconsider Proposed Journal Entry of Final Order and Satisfaction of Summary Order:

1. On or about May 5, 2014, a Summary Order was issued ordering a public censure and civil fine against the medical license of Renae S. Schuler, M.D. (“Licensee”).
2. Pursuant to K.S.A. 77-542, the Summary Order notified Licensee that if a written request for hearing was not filed within 15 days following service of the Summary Order, the Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.
3. On or about May 27, 2014, the Summary Order became effective as a Final Order pursuant to K.S.A. 77-526 and 77-530.
4. On or about August 4, 2014, Licensee remitted full payment of the civil fine.

5. On or about August 5, 2014, Jane Weiler, Associate Litigation Counsel for the Board, submitted a proposed Journal Entry of Final Order and Satisfaction of Summary Order. A copy was sent to Licensee with a request that any corrections or objections to the Journal Entry be submitted within ten (10) days. Upon the request of Licensee's counsel, the objection timeframe was extended to September 4, 2014.

6. On or about September 4, 2014, the Board received a motion from Licensee's counsel entitled, "Motion to Reconsider Proposed Journal Entry of Final Order and Satisfaction of Summary Order." The Motion was filed with the Board on September 5, 2014.

7. While the Motion's title indicates the request for reconsideration is of the proposed Journal Entry, the Motion's contents actually reflect a request for reconsideration of the underlying Summary Order based on substantive arguments that the Board's findings were erroneous. The Motion further requests that the Board file an addendum to either its Summary Order or its Journal Entry of Final Order and Satisfaction of Summary Order accepting Licensee's arguments.

8. Pursuant to K.S.A. 77-542, Licensee had 15 days after service of the Summary Order to file a request for a hearing. Licensee did not request a hearing on the Summary Order.

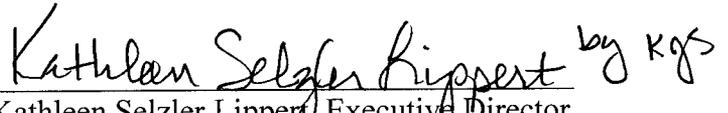
9. Pursuant to K.S.A. 77-529, once the Summary Order became effective as a Final Order, Licensee had 15 days to file a petition for reconsideration with the agency. Licensee did not file a petition for reconsideration.

10. Pursuant to K.S.A. 77-613, Licensee had 30 days after service of the Final Order to file a petition for judicial review of the agency action in District Court. Licensee did not file a petition for judicial review.

11. Based on Licensee's request falling outside of the permissible timeframe to petition the agency for reconsideration set forth in K.S.A. 77-529, the Board lacks jurisdiction to reconsider its Final Order.

**IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS** that Licensee's request for reconsideration is hereby **DENIED** for lack of jurisdiction by the agency.

**IT IS SO ORDERED THIS 21<sup>st</sup> DAY OF SEPTEMBER, 2014, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler Lipper, Executive Director  
Kansas State Board of Healing Arts

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 29<sup>th</sup> day of September, 2014, a true and correct copy of the above and foregoing **ORDER DENYING MOTION TO RECONSIDER** was served by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to the following:

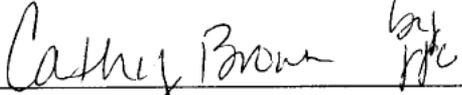
Renae S. Schuler, M.D.  
**Confidential**  
Wichita, KS 67209

Lisa A. McPherson  
Anna C. Ritchie  
Martin, Pringle, Oliver, Wallace & Bauer, L.L.P.  
100 N. Broadway, Suite 500  
Wichita, KS 67202

And a copy was hand-delivered to:

Jane E. Weiler, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.

  
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Cathy Brown  
Executive Assistant

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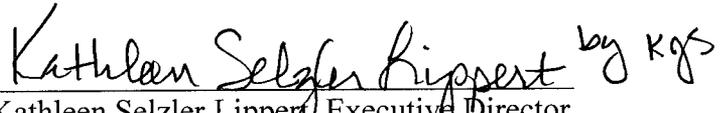
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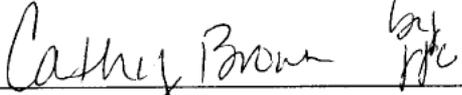
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Cathy Brown  
Executive Assistant