

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

In the Matter of)
)
PETER J. CRISTIANO, M.D.)
Kansas License No. 04-21118)
_____)

Case No. 95-00168
& 95-00205

FILED
MAY 29 1998
KANSAS BOARD OF HEALING ARTS

FINAL ORDER

NOW ON THIS Twenty-fifth day of April, 1998, comes before the Kansas State Board of Healing Arts (hereinafter "Board") sitting as a whole, the request of Peter J. Cristiano, M.D. (hereinafter "Licensee") to vacate the paragraph five (5) of the Stipulation and Agreement and Enforcement Order dated April 1997. Kevin K. LaChance, Disciplinary Counsel, appeared on behalf of the Board. Steve A. Schwarm of Goodell, Stratton, Edmonds & Palmer, appeared on behalf of the Licensee.

After reviewing the file, hearing statements and being otherwise duly advised in the premises, the Board finds as follows:

1. Licensee entered into a Stipulation and Agreement and Enforcement Order April 7, 1997. Pursuant to that agreement, the Licensee was ordered not to prescribe certain controlled substances, and was required to attend a mini-residency on dangerous controlled substances. At the August 18, 1997 meeting, the Board vacated the prohibition against prescribing the controlled substances, but Licensee was still required to attend the mini-residency.
2. Licensee completed the mini-residency as required by paragraph five (5) of the agreement.

3. The requirement of attendance of the mini-residency was a reportable limitation of licensure as contemplated by the disciplinary provisions of K.S.A. 65-2836. However, Licensee's scope of practice was not limited by the limitation. The limitation, being fulfilled by Licensee's compliance, no longer exists.

4. The Board finds that the stipulation and agreement and enforcement order should now be vacated *ab initio*. In making this finding, the Board does not conclude that the original stipulation did not at one time exist, nor does it find that the agreement was invalid at time it was entered into. Rather, the Board finds that the limitation on prescribing controlled substances imposed by the agreement was vacated previously, and that the condition requiring completion of the mini-residency has been met.

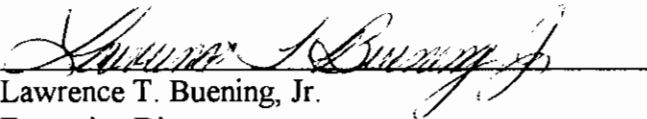
5. The agency record in this case is not altered by this order. The documents contained in the record continue to be subject to the Kansas open records act.

IT IS THEREFORE ORDERED AS FOLLOWS:

The Stipulation and Agreement and Enforcement Order between Licensee and the Board, dated April 7, 1997, and as modified by the August 18, 1997 order, is hereby vacated effective April 25, 1998.

DATED this 27th day of May, 1998

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

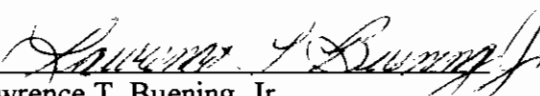
CERTIFICATE OF SERVICE

I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 29th day of May, 1998, a copy of the above and foregoing **FINAL ORDER FOLLOWING CONFERENCE HEARING** was deposited in the United States mail, first class postage prepaid, to the following:

Mr. Steve A. Schwarm
Goodell, Stratton, Edmonds & Palmer
515 S. Kansas Avenue
Topeka, Kansas 66603-3999

and a copy was hand-delivered to:

Kevin K. LaChance
Disciplinary Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603


Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603
(913) 296-7413