



***New York State Board for Professional Medical Conduct***

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health

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NYS Department of Health

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Ansel R. Marks, M.D., J.D.  
Executive Secretary

December 23, 2005

***CERTIFIED MAIL-RETURN RECEIPT REQUESTED***

Richard J. Kienzle, M.D.  
168 Eastwood Drive  
Cooper Hill, TN 37317

Re: License No. 179719

Dear Dr. Kienzle:

Enclosed is a copy of Order #BPMC 05-301 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect December 30, 2005.

**If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order to the Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.**

Sincerely,

Ansel R. Marks, M.D., J.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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**IN THE MATTER**

**SURRENDER**

**OF**

**ORDER**

**RICHARD J. KIENZLE, M.D.  
CO-05-08-4268-A**

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BPMC No. #05-301

**RICHARD J. KIENZLE, M.D., says:**

On or about August 29, 1989, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 179719 by the New York State Education Department. I currently reside at 168 Eastwood Drive, Cooper Hill, TN 37317.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict

confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind of manner.

Date: 12/16, 2005

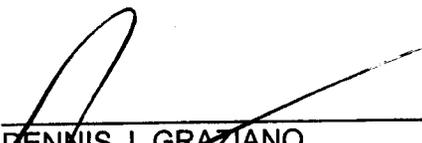
  
RICHARD J. KIENZLE, M.D.  
Respondent

AGREED TO:

Date: 19 December, 2005

  
ROBERT BOGAN  
Associate Counsel  
Bureau of Professional Medical Conduct

Date: 20 December, 2005

  
DENNIS J. GRAZIANO  
Director, Office of Professional  
Medical Conduct

STATE OF NEW YORK                      DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
RICHARD J. KIENZLE, M.D.  
CO-05-08-4268-A

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STATEMENT  
OF  
CHARGES

**RICHARD J. KIENZLE, M.D.**, the Respondent, was authorized to practice medicine in New York state on August 29, 1989, by the issuance of license number 179719 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A        On or about July 20, 2005, the State of Tennessee, Department of Health, Board of Medical Examiners (hereinafter "Tennessee Board"), by an Agreed Order (hereinafter "Tennessee Order"), IMMEDIATELY SURRENDERED Respondent's license to practice medicine, IMMEDIATELY SURRENDER his DEA certificate and required him to immediately discontinue self-diagnosis and treatment and submit to Vanderbilt Competence Assessment Program for evaluation and treatment and follow their recommendations, and to pay reasonable costs of prosecution, based on unprofessional, dishonorable, or unethical conduct; gross malpractice or a pattern of continual or repeated malpractice, ignorance, negligence or incompetence; dispensing, prescribing or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, or in amounts and/or for durations not medically necessary, advisable, or justified for a diagnosed condition; and prescribing or otherwise distributing to any person a controlled substance or other drug if such person is addicted to the habit of using controlled substances without making a bona fide effort to cure the habit of such patient.

B.        The conduct resulting in the Tennessee Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence); and/or
5. New York Education Law §6530(32) (failure to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

**SPECIFICATIONS**

**FIRST SPECIFICATION**

Respondent violated New York Education Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would constitute professional misconduct under the laws New York state, in that Petitioner charges:

1. The facts in Paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine revoked or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *Nov. 10*, 2005  
Albany, New York

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional Medical Conduct

**ORDER**

Upon the proposed agreement of **RICHARD J. KIENZLE, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

**ORDERED**, that the proposed agreement and the provisions thereof are hereby adopted; it is further

**ORDERED**, that the name of the Respondent be stricken from the roster of physicians in the State of New York; it is further

**ORDERED**, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 12-22-, 2005

  
KENDRICK A. SEARS, M.D.  
Chair  
State Board for Professional  
Medical Conduct