

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

HELEN BILSLAND
2924 Alaska Street
Sioux City, IA 51103

and

JAMES BILSLAND
2924 Alaska Street
Sioux City, IA 51103

Plaintiffs,

Case No.
Division:

v.

CAROL ANN RYSER, M.D.
Serve at: HOLD SERVICE

and

HEALTH CENTERS OF AMERICA
-KANSAS CITY, LLC
Serve: HOLD SERVICE

Defendants.

FILED-CIRCUIT COURT
JACKSON COUNTY, MISSOURI
2012 APR -3 AM 11:59

PETITION FOR DAMAGES
(TC, TI)

Plaintiffs Helen and James Bilsland, for their cause of action against defendants,
state:

ALLEGATIONS COMMON TO ALL COUNTS

1. Plaintiff Helen Bilsland is an individual and resident of Sioux City, Iowa, is married to plaintiff James Bilsland, and is not a minor.
2. Plaintiff James Bilsland is an individual and resident of Sioux City, Iowa, is married to plaintiff Helen Bilsland, and is not a minor.

3. Jurisdiction and venue are proper in Jackson County, Missouri pursuant to R.S.Mo. § 538.232, in that plaintiff Helen Bilslund first received treatment by defendants in Jackson County, Missouri.

4. Defendant Carol Ann Ryser, M.D., (hereafter referred to as "Dr. Ryser") is a medical doctor licensed to practice medicine in the state of Missouri, holding herself out to the public as a specialist in "diagnosis and treatment of chronic illnesses." She is medical director of Health Centers of America - Kansas City, LLC (hereafter referred to as "HCAKC").

5. Defendant HCAKC is a limited liability company organized under Missouri law, authorized to do business in the state of Missouri, and doing business in Jackson County, Missouri and can be served by serving its registered agent at the address on the caption of this Petition.

6. At all relevant times Dr. Ryser was the agent, servant, and employee of defendant HCAKC. The acts and omissions of Dr. Ryser alleged in this Petition were within the course and scope of her agency with defendant HCAKC, and defendant HCAKC is vicariously liable for the acts of Dr. Ryser.

7. Defendant HCAKC employed a number of individuals to provide care and treatment to patients, including Helen Bilslund. The acts and omissions of defendant HCAKC's employees in providing care and treatment to Helen Bilslund were within the course and scope of their employment with defendant HCAKC, and defendant HCAKC is vicariously liable for the acts and omissions of its employees.

8. On or about November 13, 2006, Dr. Ryser accepted plaintiff Helen Bilslund as a patient at HCAKC.

9. In accepting plaintiff as a patient, Dr. Ryser agreed to provide medical care to plaintiff consistent with the standard of care, and owed a duty to plaintiff to exercise that degree of skill and learning ordinarily used by members of her profession under the same or similar circumstances.

10. On or about November 13, 2006, Helen Bilslund went to HCAKC for diagnosis and treatment.

11. Dr. Ryser diagnosed Helen Bilslund with multiple disorders including Lyme disease, hypercoagulation, lupus symptoms, beta strep, infections, and other disorders.

12. Helen Bilslund was told she had “bugs” living in her “biofilm.”

13. HCAKC personnel drew more than forty vials of blood from Helen Bilslund pursuant to the orders of Dr. Ryser.

14. Dr. Ryser and employees and agents of HCAKC represented to plaintiffs that tests on Helen Bilslund’s blood, saliva, and stool would be performed for a fee, and that the Bilslunds would be responsible for paying for the laboratory tests.

15. Ryser used the tests to diagnose Helen with diseases and health problems she did not have, and to convince her of the diagnoses.

16. Dr. Ryser recommended Helen start intensive therapy because of the alleged severity of her disease.

17. Dr. Ryser additionally diagnosed Helen Bilslund with other diseases and disorders.

18. At the direction of HCAKC and Dr. Ryser, Helen Bilslund began a treatment course that included antibiotics and numerous medications and “alternative” substances.

19. Defendants personally sold, accepted payment for, and provided supplements

to Helen Bilsland.

20. James and Helen Bilsland personally paid for treatment by defendants.

21. Helen suffered increased pain, anxiety, fatigue, sickness, and a change of mental status during treatment.

22. Helen Bilsland remained under the continuing care of defendants until she discontinued treatment by HCAKC and Ryser in 2011.

23. Helen Bilsland never had Lyme disease or the conditions Ryser claimed were associated and had undergone years of unnecessary treatment by Ryser and HCAKC.

24. The Bilslands traveled over 15,000 miles back and forth to Ryser's office for her unnecessary treatment of bogus conditions.

25. Defendants received thousands of dollars for their diagnosis and treatment of Helen Bilsland.

COUNT I
Medical Negligence - Treatment of Helen Bilsland
by HCAKC and Dr. Ryser

26. Plaintiffs incorporate by reference paragraphs 1 through 25 of plaintiffs' Petition.

27. Dr. Ryser and HCAKC through the acts and omissions of its agents and employees, including Dr. Ryser, were negligent in:

- a. Negligently and carelessly diagnosing Helen Bilsland with Lyme disease and other conditions she did not have;
- b. Negligently and carelessly treating Helen Bilsland for Lyme disease and other conditions she did not have;
- c. Negligently diagnosing Helen Bilsland with unconventional conditions

- without appropriate consideration of differential diagnoses;
- d. Negligently rejecting negative laboratory findings while uncritically accepting questionable positive laboratory findings;
 - e. Negligently failing to give and receive appropriate informed consent for the treatment provided to Helen Bilslund;
 - f. Negligently and carelessly providing unnecessary treatment to Helen Bilslund;
 - g. Negligently and carelessly prescribing and administering multiple unnecessary and expensive medications and supplements;
 - h. Negligently failing to clearly specify the final diagnosis to support billing for services, billing nurses' services without proper documentation, and billing for services without adequate authentication and/or credentials of the provider;
 - i. Negligently exploiting the physician-patient relationship with Helen Bilslund to further defendants' own financial interest; and
 - j. Such other acts and omissions of negligence as will be determined through discovery.

28. As a direct and proximate result of the negligence and carelessness of defendants, plaintiff Helen Bilslund suffered the following permanent and progressive injuries:

- a. She has required medical treatment in order to counter the effects of defendants' multiple ill-advised medications and supplements;
- b. She suffered months of distress, pain, and weakness;

- c. She had a decline in her physical and mental condition that resulted in additional procedures and treatment;
- d. She caught C.difficile because of antibiotics unnecessarily prescribed by Ryser.
- e. She underwent the pain and inconvenience of treatment visits which were not medically indicated;
- f. She was forced to endure physical and mental pain, fatigue, and suffering for months, and will continue to suffer in the future;
- g. Her injury impaired and will impair her ability to enjoy social activities and sporting and recreational activities;
- h. She has lost time from work and suffered a loss of income and will in the future suffer a decrease in her future income and potential for earnings;
- i. She has incurred substantial medical bills, pharmacy bills, and the expenses of travel; and
- j. She has suffered damage to her relations with her husband.

WHEREFORE, plaintiff Helen Bilsland requests judgment in her favor and against defendants Health Centers of America-Kansas City, LLC, and Carol Ann Ryser, M.D., jointly and severally, for damages in a sum that is fair and reasonable in excess of \$25,000.00, for her costs, and for such other relief as the court deems just and proper.

COUNT II
Fraudulent Misrepresentation and Concealment-
Defendants HCAKC and Dr. Ryser

29. Plaintiffs incorporate by reference paragraphs 1 through 25 of plaintiffs'

Petition.

30. At all material times, defendants HCAKC and Dr. Ryser were engaged in the business of testing patients for Lyme disease, diagnosing patients with Lyme disease and claimed related unconventional conditions, treating patients for Lyme disease and other conditions, and billing patients and their insurers for the treatment by office visits, medications, and supplements.

31. Defendants HCAKC and Dr. Ryser represented to the Bilslands and the general public that the treatment performed at HCAKC following a diagnosis of Lyme disease and multiple other conditions was necessary and appropriate.

32. Despite this representation, treatment at HCAKC for Lyme disease and multiple other conditions is inappropriate and unnecessary. Further, the testing relied upon by Ryser has little or no diagnostic value as it is used by Ryser and HCAKC. Defendants knew or should have known this.

33. Defendants knew or should have known that the treatment provided at HCAKC was unnecessary, expensive, ineffective and harmful.

34. Defendants made misrepresentations directly to patients and their families including the Bilslands, to employees of HCAKC, in promotional materials, on the internet, in correspondence with patients' insurers and claims representatives, at lectures to physicians and members of the public interested in the diagnosis and treatment of Lyme disease, and to the general public.

35. Non-medical agents and employees of HCAKC promoted and misrepresented the benefits of alternative care at the HCAKC clinic to Helen Bilsland and others.

36. Employees and agents of HCAKC make false claims for Lyme disease

treatment on behalf of HCAKC to patients including Helen Bilslund and to third-party payors that are intended to result in payment to HCAKC.

37. HCAKC has trained the employees of HCAKC how to sell HCAKC's services to patients. This training has occurred both verbally and in writing, at official staff meetings, and in discussions during daily operation of the clinic.

38. Defendants also deliberately and intentionally suppressed and/or concealed other material facts from patients, including the Bilslunds. Defendants' concealment and suppression of facts concerning the diagnosis and treatment of Lyme disease and "related" conditions included but were not limited to the following:

- a. Failing to disclose and/or intentionally concealing that the tests used by Dr. Ryser should not be used for the diagnosis or treatment of Lyme disease and other conditions diagnosed by Ryser;
- b. Failing to disclose and/or intentionally concealing that Ryser has "pet" false diagnoses that she gives her patients;
- c. Failing to disclose and/or intentionally concealing that the treatment performed at HCAKC for Lyme disease and other diagnoses by Ryser had been harmful to patients in the past and could be harmful to Helen Bilslund; and
- d. Failing to disclose and/or intentionally concealing past complaints that the treatment performed at HCAKC for a "diagnosis" of Lyme was unnecessary and harmful.

39. Defendants were obligated to disclose the above-mentioned facts, but failed to do so even when their own information demonstrated that Ryser's diagnosis and treatment at

HCAKC was unwarranted for many of her patients, and even when they learned that the treatment was harming patients who were later determined by other health care providers not to have ever had Lyme disease or the other conditions diagnosed by Ryser.

40. Defendants concealed information in order to induce plaintiffs to submit to and pay for testing and treatment.

41. Defendants intended that the misrepresentations would be relied upon by plaintiff and would induce them to submit to testing and treatment.

42. The Bilslands were not aware of the falsity of the foregoing representations, nor were they aware that material facts concerning the tests or HCAKC's treatment for Lyme disease had been concealed or omitted.

43. The representations were material to the submission by Helen Bilsland of blood to labs for testing, to plaintiffs' payment of fees for the testing, and to plaintiffs' decision for Helen Bilsland to undergo treatment at HCAKC.

44. Plaintiffs relied on the representations in submitting blood to the labs for testing, in paying fees for the testing, and in deciding to undergo treatment at HCAKC. In so relying, plaintiff used that degree of care that would have been reasonable in plaintiff's situation.

45. As a direct and proximate result of the representations of defendants more fully set out above, plaintiffs were forced to spend money for testing and treatment and non-medical alternative treatment by HCAKC.

46. As a direct and proximate result of the representations and concealment of defendants, plaintiffs were damaged and forced to suffer the injuries alleged in Counts I-VI.

WHEREFORE, plaintiffs Helen and James Bilsland request judgment in their favor

and against defendants Health Centers of America-Kansas City, LLC, and Carol Ann Ryser, M.D., jointly and severally, for damages in a sum that is fair and reasonable in excess of \$25,000.00, for their costs, and for such other relief as the court deems just and proper.

COUNT III
Negligent Misrepresentation-
Defendants HCAKC and Dr. Ryser

47. Plaintiffs incorporate by reference paragraphs 1 through 25 of plaintiffs' Petition.

48. Defendants HCAKC and Dr. Ryser owed a duty to plaintiffs and to the general public to use reasonable care to communicate accurate information about the proper diagnosis and treatment of Lyme disease and other conditions at their clinic.

49. Specifically, defendants HCAKC and Dr. Ryser owed a duty to plaintiffs to accurately, fully and truthfully represent the necessity, safety, efficacy, and cost of Lyme disease and other conditions' diagnosis and treatment at their clinic, as well as the risks and benefits of the testing and treatment methodology used.

50. Defendants HCAKC and Dr. Ryser made material misrepresentations to the general public and to plaintiffs that the methods of diagnosis and treatment used at the clinic were to be safe and effective.

51. Defendants HCAKC and Dr. Ryser made false representations about the necessity, costs and duration of diagnosis and treatment.

52. Non-medical employees and agents of HCAKC promoted and misrepresented the benefits of alternative care at HCAKC.

53. Defendants made false misrepresentations to plaintiffs, their insurance providers, and their health care providers in the course of their business because of their

pecuniary interest.

54. Defendants HCAKC and Dr. Ryser were negligent in misrepresenting the costs, necessity, risks, benefits, safety, and efficacy of diagnosis and treatment at their clinic because they knew or should have known that the representations were untrue or had not yet been adequately proven.

55. Defendants HCAKC and Dr. Ryser were also negligent because they knew or should have known that testing and their treatment was not safe or effective, as defendants HCAKC and Dr. Ryser had represented to plaintiff and the general public.

56. Defendants HCAKC and Dr. Ryser intended for plaintiffs to rely on their representations regarding the costs, necessity, risks, benefits, safety, and efficacy of diagnosis and treatment at their clinic, and such representations were material to plaintiffs' decision to undergo and purchase testing and treatment.

57. Plaintiffs justifiably relied on defendants HCAKC and Dr. Ryser's false and misleading representations when deciding to undergo and purchase testing and treatment. Plaintiffs acted as reasonably prudent persons would have when relying on defendants HCAKC and Dr. Ryser's representations. In fact, many people were and are relying on such representations because defendants HCAKC and Dr. Ryser were and are concealing the true facts.

58. As a direct and proximate result of the carelessness and negligence of defendants HCAKC and Dr. Ryser more fully set forth above, plaintiffs were forced to expend monies for their medical and non-medical alternative treatment.

59. As a direct and proximate result of the carelessness and negligence of defendants HCAKC and Dr. Ryser, plaintiffs were forced to suffer the injuries set forth in

Counts I-VI.

WHEREFORE, plaintiffs Helen and James Bilsland request judgment in their favor and against defendants Health Centers of America-Kansas City, LLC, and Carol Ann Ryser, M.D., jointly and severally, for damages in a sum that is fair and reasonable in excess of \$25,000.00, for their costs, and for such other relief as the court deems just and proper.

COUNT IV
Violation of Missouri Merchandise Practices Act-
Defendants HCAKC and Dr. Ryser
Actual Damages, Attorneys' Fees, Punitive Damages

60. Plaintiffs incorporate by reference paragraphs 1 through 25 of plaintiffs' Petition.

61. Defendants HCAKC, and Dr. Ryser participate in a medical and alternative practice that specializes in the diagnosis and treatment of Lyme disease and other conditions and symptoms Ryser diagnoses.

62. The practice of HCAKC has developed into a chronic illness profit center wherein the defendants profit from their diagnosis and treatment of multiple conditions by selling the following: antibiotics, postage for mailing laboratory testing for Lyme disease and other blood work, supplements, non-prescription medications, prescription medications, supplements, syringes, supplement containers, and other supplies sold through the practice.

63. In order to profit from the various products it sells as part of the "treatment" for Lyme disease and other conditions, the practice utilizes deceptive practices to diagnose many of its patients with Lyme disease and other pet diagnoses of Ryser's.

64. Defendants materially misrepresent the profits they reap from the treatment.

65. Defendants employed unlawful practices in the sale and use of supplements

and medications for the treatment of plaintiff's supposed diagnoses by Ryser and utilized deception, fraud, false pretense, false promise, misrepresentation, unfair practice of concealment, suppression of material facts, and omission of material facts as defined by R.S.Mo § 407.020, and 15 CSR 60-7.020 through 15 CSR 60-9.110 in the following respects:

- a. Utilizing unreliable, untested, and uncertified lab tests for diagnostic purposes;
- b. Failing to inform its patients that the lab tests are unreliable, untested, and uncertified;
- c. Materially misusing and misrepresenting valid laboratory testing;
- d. Selling its patients medications and supplements that are unnecessary, ineffective, and harmful;
- e. Informing its patients that evidence of their Lyme disease and other Ryser-diagnosed conditions (which in many Ryser patients, including Helen Bilslund, does not exist) can be seen directly in the tests; and
- f. Failing to reveal the interest of the practice in receiving positive results for Lyme disease and associated conditions.

66. Once it wrongly diagnosed Helen Bilslund with Lyme disease and other conditions the practice set into motion its various therapies and treatments.

67. The practice subjected Helen Bilslund to multiple therapies, including antibiotics, prescription medications, non-prescription medication, and supplements which were unnecessary, unproven to cure or treat Lyme disease or the other Ryser diagnoses, and caused physical harm.

68. HCAKC employed unlawful practices in the sale of products to Helen Bilslund for the treatment of Lyme disease and other conditions and utilized deception, fraud, false pretense, false promise, misrepresentation, unfair practice of concealment, suppression of material facts, and omission of material facts as defined by R.S.Mo § 407.020, and 15

CSR 60-7.020 through 15 CSR 60-9.110 in the following respects:

- a. Falsely diagnosing its patients with Lyme disease and other conditions, using unreliable methods to do so, and misusing laboratory data;
- b. Failing to inform its patients of the financial details surrounding the practice's profits from the various sales to its patients;
- c. Failing to inform its patients that the practice would charge for unnecessary supplies, medications, supplements, and antibiotics;
- d. Failing to inform its patients that the expensive treatments would not likely do any good (since many Ryser patients, Helen Bilsland included, did not have Lyme disease or the conditions Ryser diagnosed and treated them for) and would, therefore, be continued for months; and
- e. Failing to inform its patients of the risk of damage to their body from the unnecessary treatments.

69. As a result of the unlawful and deceptive practices by defendants HCAKC and Dr. Ryser, plaintiffs are entitled to recover their full actual damages, including pain and suffering and damages alleged in Counts I-VI, punitive damages, and attorneys' fees pursuant to R.S.Mo § 407.025.

WHEREFORE, plaintiffs Helen and James Bilsland, by and through counsel, pray for judgment against defendants Health Centers of America-Kansas City, LLC, and Carol Ann Ryser, M.D. for such sums as are fair and reasonable, together with any and all costs herein incurred and expended, punitive damages, attorneys' fees and for such other relief as the Court may deem just and proper.

COUNT V
Loss of Consortium-James Bilsland

70. Plaintiff incorporate by reference all allegations of plaintiff' Petition.

71. Plaintiff James Bilsland was at all relevant times the husband of plaintiff Helen Bilsland.

72. As a direct and proximate result of the negligence and carelessness of defendants, plaintiff James Bilsland has been deprived of Helen Bilsland's valuable service and support, as well as her comfort, society, companionship, consortium, advice, and counsel, all to his damage.

73. Plaintiff James Bilsland has been obligated to pay medical and pharmaceutical bills and other expenses as a result of defendants' negligence.

WHEREFORE, plaintiff James Bilsland requests judgment in his favor and against defendants Health Centers of America-Kansas City, LLC, and Carol Ann Ryser, M.D., jointly and severally, for damages in a sum that is fair and reasonable in excess of \$25,000.00, for his costs, and for such other relief as the court deems just and proper.

COUNT VI
Punitive and Exemplary Damages-
Defendants HCAKC and Dr. Ryser

74. Plaintiffs incorporate by reference the allegations contained in counts one through five above.

75. Defendants HCAKC and Dr. Ryser have engaged in the business of treating Lyme disease and other disorders which the patients, including Helen Bilsland, do not have and making profits by instituting medical, nursing, and "alternative" treatment which is not warranted. Defendants' reckless conduct continues, and necessitates punitive and exemplary damages.

76. Defendants prey on the sick and the desperate while claiming to be their only trustworthy advocates, all to their profit.

77. For years Carol Ann Ryser has routinely diagnosed patients of HCAKC with similar conditions including Lyme disease.

78. Many of defendants' patients do not actually have, nor have ever had, Lyme disease or the conditions Ryser diagnoses.

79. Ryser and HCAKC have billed millions and millions of dollars for unnecessary treatment of their patients.

80. Defendants continue to charge for their unnecessary "services" even as of the date of this filing.

81. HCAKC has continued to expand its practice even after learning of the harm it has caused and is causing its patients.

82. HCAKC and Ryser have injured multiple patients in the same manner as they injured Helen Bilsland and are aware of that fact.

83. Dr. Ryser lacks basic medical knowledge and fabricates "medical" facts, yet continues to practice on patients.

84. Dr. Ryser never performed a single physical exam on Helen Bilsland in years of caring for her.

85. Defendant Ryser:

- a. Has on one or more instances failed to adhere to the applicable standard of care to a degree which constitutes gross negligence;
- b. Has a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice medicine;
- c. Has committed conduct likely to deceive, defraud or harm the public
- d. Has used any false, fraudulent or deceptive statement in any document connected with the practice of the healing arts including the intentional falsifying or fraudulent altering of a patient or medical care facility records;
- e. Has performed unnecessary tests, examinations or services which have no legitimate medical purpose;

- f. Has prescribed and dispensed a prescription drug in an excessive, improper or inappropriate manner or for other than a valid medical purpose;
- g. Has failed to meet minimum requirements for an adequate patient record; and
- h. Has knowingly submitted misleading, deceptive, untrue and/or fraudulent representations on claim forms, bills or other statements.

86. The actions, misconduct, and neglect of HCAKC, Dr. Ryser and HCAKC's employees and its agents were wanton, willful, malicious, demonstrated reckless indifference to and caused the damages to Helen and James Bilsland by circumstances such that the imposition of punitive damages and exemplary damages are warranted.

WHEREFORE, plaintiffs Helen and James Bilsland pray for judgment against defendants Health Centers of America-Kansas City, LLC, and Carol Ann Ryser, M.D., for such sum as will serve to punish defendants and deter defendants and others from like conduct.

JURY TRIAL

Plaintiffs request trial by jury on all counts of this Petition.

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