EFFECTIVE AS A FINAL ORDER

DATE: 9-7-23

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of

Crystal M. Cunningham, M.D.
Kansas License No. 04-45096

) ) KSBHA Docket No. 24-HA-00001

SUMMARY ORDER

NOW ON THIS 17th day of August, 2023, this matter comes before
Susan Gile, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary
proceedings under K.S.A. 77-537.

Under K.S.A 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a
Final Order, without further notice, if no written request for a hearing is made within 15 days of
service. Upon review of the agency record and being duly advised in the premises, the following
findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Crystal M. Cunningham, M.D. ("Licensee") is or has been entitled to be engaged
in the practice of medicine and surgery in Kansas, having been granted an Active license through
the Interstate Medical Licensure Compact, K.S.A. 65-28,133 ("IMLC"), on August 9, 2021.
Licensee's current license designation is Active. Licensee last renewed this license on July 24,
2023.

2. Licensee's last mailing address known to the Board is: CONFIDENTIAL
Licensee's last email address known to the board is CONFIDENTIAL

Crystal M. Cunningham, M.D.
License No. 04-45096
Summary Order
3. Licensee is currently licensed to practice medicine in Arizona, having been issued license number 58299 by the Arizona Medical Board on or about September 5, 2019. (Bd. Ex. 1 – Physician Data Center Practitioner Profile, p. 2).

4. On or about June 26th, 2023, the Arizona Medical Board issued an “Interim Consent Agreement”. The Interim Consent Agreement suspended Licensee’s license to practice medicine for an indefinite term. The interim findings of facts read in pertinent part:

"3. The [Arizona Medical] Board after alleging unprofessional practice by [Licensee] including treatment of patients while

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* * *

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that Respondent was not safe to practice medicine."

and the interim conclusions of law read in pertinent part:

"3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an interim consent agreement when there is evidence that a restriction is needed to mitigate imminent danger to the public’s health and safety. Investigative staff, the Board’s medical consultant and the lead Board member have reviewed the case and concur that an interim consent agreement is appropriate.

* * *

IT IS HEREBY ORDERED THAT:

1. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) until [Licensee] applies to the Executive Director and receives permission to do so.”

(Bd. Ex. 2 – Interim Consent Agreement.)

Crystal M. Cunningham, M.D.
License No. 04-45096
Summary Order
Applicable Law

5. Under K.S.A. 65-2836(j) of the Kansas Healing Arts Act, licensee's license may be revoked, suspended, or limited, or the licensee may be publicly censured or placed under probationary conditions, where “[t]he licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country.”

Conclusions of Law

6. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

7. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions of K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to non-parties.

8. The Board finds Licensee violated K.S.A. 65-2836(j), in that Licensee’s license to practice medicine in Arizona was limited and/or suspended by the Arizona Medical Board due to public safety concerns on June 26, 2023, and the Board therefore has authority to revoke, suspend, or limit Licensee’s license, or to publicly censure or place Licensee under probationary conditions.

IT IS HEREBY ORDERED that Licensee’s license to practice medicine and surgery in Kansas is INDEFINITELY SUSPENDED from the date this Order becomes effective as a Final
Order, until such time as Licensee can demonstrate to the Board's satisfaction: 1) Licensee is no longer prohibited from engaging in the practice of medicine in Arizona; and 2) the public safety concerns underlying the Arizona Medical Board's Interim Consent Agreement have been adequately addressed.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 17th day of August, 2023.

KANSAS STATE BOARD
OF HEALING ARTS

Susan Gile
Executive Director
FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, et seq. Reconsideration of a Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Susan Gile, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the above and forgoing FINAL ORDER by depositing the same in the United States Mail, postage prepaid, on this 7\textsuperscript{th} day of \textsuperscript{February} 2023, addressed and emailed to:

Crystal M. Cunningham, M.D.
CONFIDENTIAL

Licensee

And a copy was hand-delivered to:

Matthew Gaus, Deputy Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
matthew.gaus@ks.gov

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General 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.

Signature

Final Order
CRYSTAL M. CUNNINGHAM, M.D.
KSBHA Docket No. 24-HA00006
BOARD EXHIBIT # 1

Physician Data Center Practitioner Profile

In the matter of Crystal M. Cunningham, MD
Docket No. TBD
PRACTITIONER PROFILE

Prepared for: DAS Kansas State Board of Healing Arts  As of Date: 7/8/2023

PRACTITIONER INFORMATION
Name: Cunningham, Crystal Marie
DOB: CONFIDENTIAL
Medical School: University Of North Dakota School Of Medicine and Health Sciences
Grand Forks, North Dakota, UNITED STATES
Year of Grad: 2006
Degree Type: MD
NPI: 1922294628

BOARD ACTIONS
Reporting Entity: Arizona Medical Board
Date of Order: 6/26/2023
Form of Order: Consent Order/Agreement
Action(s): RESTRICTED FROM THE PRACTICE OF MEDICINE
Basis: Not Applicable

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# PRACTITIONER PROFILE

Prepared for: DAS Kansas State Board of Healing Arts  
Practitioner Name: Cunningham, Crystal Marie  
As of Date: 7/3/2023

## LICENSE HISTORY

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PRACTITIONER PROFILE

Prepared for: DAS Kansas State Board of Healing Arts  
Practitioner Name: Cunningham, Crystal Marie  
As of Date: 7/3/2023

ABMS® CERTIFICATION HISTORY

Certifying Board: American Board of Surgery
Certificate: Surgery
Certification Type: General
Certification Status: Certified
Participating in MOC: Yes

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AOA® CERTIFICATION HISTORY

No AOA Certifications found.

Disclaimer: The licensure and disciplinary information contained in this report was supplied by the respective state medical boards and other reporting agencies. The Federation of State Medical Boards provides this primary source information as a Credentials Verification Organization (CVO) in accordance with standards set by NCQA and the Joint Commission. Any questions regarding the above data should be directed to the reporting board or reporting agency.
BOARD EXHIBIT # 2

Interim Consent Order

In the matter of Crystal M. Cunningham, MD
Docket No. TBD
BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

CRYSTAL CUNNINGHAM, M.D.
Holder of License No. 58299
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-23-0327A
INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION

INTERIM CONSENT AGREEMENT

Crystal Cunningham, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 58299 for the practice of allopathic medicine in the State of Arizona.

3. The Board alleging unprofessional practice by Respondent including treatment of patients

4. Based on the information obtained during the course of the investigation, on June 6, 2023 the Executive Director issued an Interim Order

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5. Respondent informed Board staff that she would be on vacation out of state and requested a continuance of the deadlines in the CONFIDENTIAL Order to accommodate her plans.

6. On June 8, 2023, the Executive Director issued an Interim Order for CONFIDENTIAL later than June 9, 2023 at 5:00 p.m. ("BFT Order"). Respondent failed to complete the within the deadline set in the BFT Order.

7. Board staff was able arrange for CONFIDENTIAL while Respondent was on vacation, and she did complete CONFIDENTIAL on June 14, 2023, the results of which are pending.

8. On June 23, 2023, CONFIDENTIAL

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opined that Respondent was not safe to practice medicine.

9. The aforementioned information was presented to the investigative staff, the medical consultant and the lead Board member. All reviewed the information and concur that the interim consent agreement to restrict Respondent’s practice is appropriate.

10. The investigation into this matter is pending and will be forwarded to the Board promptly upon completion for review and action.

INTERIM CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. Pursuant to A.R.S. § 32-1405(C)(25) the Executive Director has authority to enter into a consent agreement when there is evidence of danger to the public health and safety.
3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an interim consent agreement when there is evidence that a restriction is needed to mitigate imminent danger to the public's health and safety. Investigative staff, the Board's medical consultant and the lead Board member have reviewed the case and concur that an interim consent agreement is appropriate.

INTERIM ORDER

IT IS HEREBY ORDERED THAT:

1. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) until Respondent applies to the Executive Director and receives permission to do so.

2. Respondent may request, in writing, release and/or modification of this Interim Consent Agreement. Respondent's request must be accompanied by information demonstrating that Respondent is safe to practice medicine. The Executive Director, in consultation with and agreement of the lead Board member and the Chief Medical Consultant, has the discretion to determine whether it is appropriate to release Respondent from this Interim Consent Agreement.

3. The Board retains jurisdiction and may initiate new action based upon any violation of this Interim Consent Agreement, including, but not limited to, summarily suspending Respondent's license.

4. Because this is an Interim Consent Agreement and not a final decision by the Board regarding the pending investigation, it is subject to further consideration by the Board. Once the investigation is complete, it will be promptly provided to the Board for its review and appropriate action.
5. This Interim Consent Agreement shall be effective on the date signed by the Board's Executive Director.

DATED this 26th day of June, 2023.

ARIZONA MEDICAL BOARD

By

[Signature]
Patricia E. McSorley
Executive Director

RE CITALS

Respondent understands and agrees that:

1. The Board, through its Executive Director, may adopt this Interim Consent Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-504.

2. Respondent has read and understands this Interim Consent Agreement as set forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an attorney or has waived the opportunity to discuss this Interim Consent Agreement with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so agrees to abide by all of its terms and conditions.

3. By entering into this Interim Consent Agreement, Respondent freely and voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters related to the Interim Consent Agreement.
4. Respondent understands that this Interim Consent Agreement does not constitute a dismissal or resolution of this matter or any matters that may be currently pending before the Board and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding this or any other pending or future investigations, actions, or proceedings. Respondent also understands that acceptance of this Interim Consent Agreement does not preclude any other agency, subdivision, or officer of this State from instituting civil or criminal proceedings with respect to the conduct that is the subject of this Interim Consent Agreement. Respondent further does not relinquish Respondent's rights to an administrative hearing, rehearing, review, reconsideration, judicial review or any other administrative and/or judicial action, concerning the matters related to a final disposition of this matter, unless Respondent affirmatively does so as part of the final resolution of this matter.

5. Respondent acknowledges and agrees that upon signing this Interim Consent Agreement and returning it to the Board’s Executive Director, Respondent may not revoke Respondent's acceptance of this Interim Consent Agreement or make any modifications to it. Any modification of this original document is ineffective and void unless mutually approved by the parties in writing.

6. Respondent understands that this Interim Consent Agreement shall not become effective unless and until it is signed by the Board’s Executive Director.

7. Respondent understands and agrees that if the Board’s Executive Director does not adopt this Interim Consent Agreement, Respondent will not assert in any future proceedings that the Board’s consideration of this Interim Consent Agreement constitutes bias, prejudice, prejudgment, or other similar defense.
8. Respondent understands that this Interim Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board, and that it shall be reported as required by law to the National Practitioner Data Bank.

9. Respondent understands that this Interim Consent Agreement does not alleviate Respondent's responsibility to comply with the applicable license-renewal statutes and rules. If this Interim Consent Agreement remains in effect at the time Respondent's allopathic medical license comes up for renewal, Respondent must renew the license if Respondent wishes to retain the license. If Respondent elects not to renew the license as prescribed by statute and rule, Respondent's license will not expire but rather, by operation of law (A.R.S. § 32-3202), become suspended until the Board takes final action in this matter. Once the Board takes final action, in order for Respondent to be licensed in the future, Respondent must submit a new application for licensure and meet all of the requirements set forth in the statutes and rules at that time.

10. Respondent understands that any violation of this Interim Consent Agreement constitutes unprofessional conduct under A.R.S. § 32-1401(27)(s) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter.").

CRISTAL M. CUNNINGHAM, M.D.

DATED: Jun 23, 2023
EXECUTED COPY of the foregoing e-mailed this 26th day of June, 2023 to:

Crystal M. Cunningham, M.D.
Address of Record

Colin S. Bell, Esq.
Stewart Law Group
202 East Earl Drive, Suite 160
Phoenix, Arizona 85012
Attorney for Respondent

ORIGINAL of the foregoing filed this 26th day of June, 2023 with:

Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

[Signature]

Board staff