

**FILED**

MAR 1 2002

KANSAS STATE BOARD OF  
HEALING ARTS

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

In the Matter of )  
 )  
**DEAN S. CUNNINGHAM, M.D.** )  
Applicant for Licensure )

Docket No. 02-HA-0040

**FINAL ORDER FOLLOWING CONFERENCE HEARING**

**NOW**, on this 23<sup>rd</sup> day of February, 2002, this matter comes before the Kansas Board of Healing Arts, (hereafter "Board") the request submitted by Dean S. Cunningham, M.D. (hereafter "Applicant") to withdraw his application to practice medicine and surgery in the state of Kansas. Kelli J. Benintendi, Associate Counsel, appeared on behalf of the Board. Licensee did not appear.

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

1. On or about November 15, 2001, Applicant filed an application for a license to practice medicine and surgery in the state of Kansas.
2. Applicant disclosed in his application that he has had seven medical liability claims settled against him for acts which occurred from 1993 through 1998 regarding his care of patients.
3. On January 29, 2002, Ms. Benintendi, at the direction of the Board's Disciplinary Panel, filed an Answer in Opposition to Application for License to Practice Medicine and Surgery due to allegations involving acts of negligent treatment to patients and which would constitute grounds for disciplinary action under the Healing Arts Act.
4. Notice of a Conference Hearing on Applicant's application for licensure was set for 10:30 a.m. on Saturday, February 23, 2002 and filed herein on February 1, 2002.
5. On February 5, 2002, by correspondence to Ms. Benintendi, Applicant requested to

withdraw his application for licensure.


6. Notice of Conference Hearing on Applicant's request to withdraw his application for licensure was set for 10:45 a.m. on Saturday, February 23, 2002 and filed herein on February 5, 2002.

7. At the Conference Hearing held on February 23, 2002, after reviewing the file and being otherwise duly advised in the premises, the Board finds that Applicant's request to withdraw his application for licensure should be granted.

**IT IS THEREFORE ORDERED AS FOLLOWS:**

That Applicant's request to withdraw his application to practice medicine and surgery in the state of Kansas has been voluntarily withdrawn and no further proceedings are required or necessary.

**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 4<sup>th</sup> day of March, 2002, a true and correct copy of the above and foregoing FINAL ORDER FOLLOWING CONFERENCE HEARING was deposited in the United States mail, postage prepaid first class to the following:

Dean S. Cunningham, M.D.  
311 North Street  
Bluefield, West Virginia 24701

and a copy was hand-delivered to the office of:

Kelli J. Benintendi, Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

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

  
LAWRENCE T. BUENING, JR.  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603  
(785) 296-3680

LTB/E