

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

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KS State Board of Healing Arts

In the Matter of)
)
DAVID EDWARD KRIEG, D.O.)
Applicant for Kansas License)
_____)

Docket No. 05-HA-53

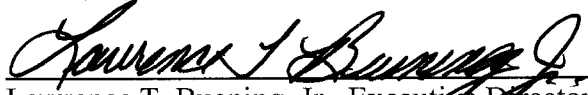
JOURNAL ENTRY

NOW, on this 15th day of July, 2005, the above-entitled matter comes on before Lawrence T. Buening, Jr., Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations:

1. On June 4, 2005, Presiding Officer Ronald Whitmer, D.O. issued a Proposed Default Order which was filed and mailed to Davie E. Krieg, D.O. on June 7, 2005.
2. The Proposed Default Order contained a notice that a motion to vacate may be filed within seven days following service of the order and that the Proposed Default Order would become effective as a final agency order after the expiration of the time within which the party may file a written motion to vacate the order.
3. David E. Krieg, D.O. did not file a motion to vacate the Proposed Default Order by June 22, 2005, and, therefore, the Proposed Default Order became effective and the Application for Licensure as an osteopathic physician in the state of Kansas was denied as of that date.

DATED this 15th day of July, 2005.

KANSAS STATE BOARD OF HEALING ARTS



Lawrence T. Buening, Jr., Executive Director

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

In the Matter of)
)
David Edward Krieg, D.O.) **Docket No. 05-HA-53**
Application for Kansas License)
_____)

PROPOSED DEFAULT ORDER

NOW ON THIS Twenty fifth Day of May 2004, comes before the Board an application by David E. Krieg, D.O. for a license to practice osteopathic medicine and surgery in the State of Kansas. Applicant does not appear. Kelli J. Benintendi, Associate Counsel, appears for the Board.

The Presiding Officer finds that Applicant is in default by his non-appearance. The allegations stated in the Response in Opposition to Application for License are deemed undisputed. Based upon the undisputed facts, the Presiding Officer finds, concludes, and orders as follows:

1. Applicant has been licensed to practice osteopathic medicine and surgery in Missouri. On November 28, 1990, the Missouri Board of Registration for the Healing Arts took disciplinary action against Applicant, placing him on probation. This disciplinary action was based upon Applicant's failure to disclose on an application that he had been arrested and charged with leaving the scene of an accident and driving while intoxicated. That license is now active.
2. Applicant currently does not have authority to prescribe controlled substances.

Between the dates of May 6, 2004 and November 30, 2004, Applicant presented at least two forged prescriptions for controlled substances. These prescriptions purported to be written by another physician.

3. Between the dates of July 22, 2004 and February 14, 2005, Applicant wrote counter prescriptions for drugs, including controlled substances, at a pharmacy located in Kansas.

4. On March 14, 2005, Applicant represented on a website that he practices medicine and surgery at the Anderson Physical Medicine facility, located at 11081 Antioch Road, Overland Park, Kansas.

5. The Presiding Officer concludes that Applicant has engaged in conduct that constitutes grounds to deny the application. Specifically, Applicant has had disciplinary action against a license to practice the healing arts taken by another state, as provided by K.S.A. 65-2836(j). By forging prescription orders and by representing authority to practice in this state, he has engaged in false, fraudulent or deceptive statements in connection with the practice of the healing arts, which is unprofessional conduct as defined by K.S.A. 65-2837(b)(17).

6. The Presiding Officer finds that the application to practice osteopathic medicine and surgery should be denied.

IT IS, THEREFORE, ORDERED that the application by David E. Krieg for a license to practice osteopathic medicine and surgery is denied.

PLEASE TAKE NOTICE that this is proposed default order. A party may file a motion to vacate a proposed default order within seven days following service of the proposed order.

Any such motion must be filed with the Executive Director at 235 S. Topeka Blvd., Topeka, KS 66603. A proposed default order becomes effective as a final agency order after the expiration of the time within which the party may file a written motion to vacate the proposed default order.

Dated this 4 Day of June 2005.

Kansas State Board of Healing Arts

/s/
Ronald Whitmer, D.O.
Presiding Officer

Certificate of Service

I certify that the foregoing Proposed Default Order was served this 7th day of June 2005 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

David E. Krieg
8800 W. 71st Street
Merrian, KS 66204

and a copy was hand-delivered to:

Kelli J. Benintendi
Associate Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

Sheryl Snyder