

CAB

FILED

OCT 29 2009

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of )  
David Edward Krieg, D.O. )  
 )  
Applicant for Licensure )  
\_\_\_\_\_ )

Docket No. 10-HA00032

FINAL ORDER

NOW, on this 16th day of October, 2009, the above-entitled matter comes on before the Kansas State Board of Healing Arts ("Board") for conference hearing. The applicant appears in person, *pro se*. Kathleen Selzler Lippert, Litigation Counsel, appears for the Board. There are no other appearances.

WHEREUPON, the applicant requests a continuance. The request is denied.

WHEREUPON, having heard the testimony of the applicant, the statements and arguments of counsel, and being duly advised in the premises the Board FINDS and ORDERS as follows:

1. On or about July 21, 2009, Applicant submitted an application for a license to practice Osteopathic Medicine and Surgery in the State of Kansas ("2009 Application"). This application was deemed complete and filed with the Board on September 22, 2009.
2. Applicant does not currently hold an active license in any state to practice Osteopathic Medicine and Surgery.
3. Applicant previously held a license to practice Osteopathic Medicine and Surgery in Missouri, which was revoked in April of 2007.
4. Applicant was originally issued a license in Missouri in November 1990 subject to probationary terms.

5. In March of 1993, Applicant successfully completed the terms of probation in Missouri and all restrictions on his Missouri license were removed.
6. In July of 2005, Applicant applied for licensure in Kansas; his application was denied. (KSBHA Docket No. 05-HA-00053).
7. Applicant's Missouri license was again placed on probation in June of 2006 for violations of Missouri statutes. The identified violations include:
  - a. Applicant's registration with the Missouri Department of Health and Senior Services, Bureau of Narcotics and Dangerous Drugs was automatically terminated.
  - b. Applicant's application for licensure was denied by Kansas.
  - c. Applicant presented as least two forged prescriptions between May 2004 and November 2004 for controlled substances.
  - d. Applicant wrote prescriptions for prescription-only medications between July 2004 and February 2005 to a patient in Kansas when he did not have the legal authority to write the prescriptions.
  - e. Applicant represented on a website that he practiced Osteopathic Medicine and Surgery in Kansas in March of 2005 when he did not hold Kansas Licensure.
  - f. Applicant was convicted in Johnson County, Kansas for the criminal charge of obtaining a prescription drug by fraudulent means.
8. In April of 2007, Applicant's Missouri license was revoked for violation of the probation terms of the June 2006 agreement.

9. Applicant applied for reinstatement of his Missouri license in March of 2008, but withdrew his application after submitting fraudulent documents to the Missouri Board.
10. Applicant applied again for Kansas licensure in 2008.
11. At a Conference Hearing in February of 2009, the Board gave Applicant the option of withdrawing his 2008 Kansas application prior to voting on a motion to deny licensure; Applicant chose to withdraw his application. (KSHBA Docket No. 09-HA00109).
12. Applicant failed to disclose in his 2009 application that he has been denied participation in any State Medicaid or Federal Medicare Program.
13. (confidential)
14. (confidential)
15. (confidential)
16. (confidential)
17. (confidential)
18. (confidential)

a. (confidential)

b.

c.

d.

19. (confidential)

20. (confidential)

21. (confidential)

22. (confidential)

23. (confidential)

24. Applicant's 2009 Application to Practice Osteopathic Medicine and Surgery in Kansas is denied on the following grounds:
- a. K.S.A. 65-2836(b), in that Applicant committed unprofessional and dishonorable conduct or professional incompetency as demonstrated by repeated discipline by the Missouri medical licensing board, culminating in revocation of his Missouri medical license and his subsequent submitting of fraudulent documents in applying for reinstatement in Missouri;
  - b. (confidential)
  - c. K.S.A. 65-2836(j), in that Applicant has had a license to practice the healing arts revoked, suspended, or limited, has been censured or has had other disciplinary action in another state three (3) times;
  - d. K.S.A. 65-2836(r), in that Applicant has failed to furnish the Board, or its investigators or representatives, any information legally requested by the Board by failing to provide the Board with honest and accurate information concerning his criminal record;
  - e. K.S.A. 65-2836(t), in that Applicant has failed to report to the Board any adverse action taken against him by a governmental agency by failing to disclose that he had been denied participation in any State Medicaid or Federal Medicare Program;

- f. K.S.A. 65-2836(u), in that Applicant has surrendered the authority to utilize controlled substances issued by any state or federal agency in that he surrendered his DEA and BNDD licenses as indicated in his application; and,
- g. K.S.A. 65-2836(b) as further defined in K.S.A. 65-2837(a)(3), in that Applicant has demonstrated a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice medicine as he lacks the ability to exhibit the requisite professional and ethical behaviors required of medical professionals.

**IT IS THEREFORE ORDERED** that Applicant's Application for Licensure to Practice Osteopathic Medicine and Surgery in Kansas DENIED.

**PLEASE TAKE FURTHER 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 the Board's President at 235 SW. Topeka Blvd., Topeka, KS 66603.

**IT IS SO ORDERED.**

**DATED THIS 16<sup>th</sup>** day of October, 2009.

**KANSAS STATE BOARD OF HEALING ARTS**

*Michael Beezley*  
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Michael Beezley  
Board President *by Cathy A. Brown*

**Certificate of Service**

I certify that the foregoing Final Order was served this 29<sup>th</sup> day of Oct., 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

David E. Krieg, D.O.  
6611 Hauser Dr.  
Shawnee, KS 66216

and a copy was hand-delivered to:

Kathleen Selzler Lippert  
Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

and

Katy Lenahan  
Licensing Administrator  
Kansas Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

and the original deposited with the office of the Executive Director for filing.

  
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