

F I L E D

AUG 26 1999

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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
DAVID KENT WINEINGER, M.D.)
Kansas License #4-23953)
_____)

Docket No. 00HA0008

FINAL ORDER

NOW ON THIS Fourteenth Day of August, 1999, comes before the Board Petitioner's application for reinstatement of his license to practice medicine and surgery. The Board has filed an answer in opposition to the application, praying that the application be denied. Petitioner appears through Mary Beth Blake, Attorney at Law, and in person. The Board appears through Stacy L. Cook, Litigation Counsel. After hearing the statements of the parties, and having the agency record before it, the Board finds, concludes and orders as follows:

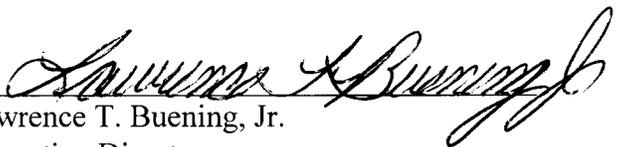
1. On or about February 8, 1992, the Board issued Petitioner an original license to practice medicine and surgery. This license was canceled August 15, 1994 for non-renewal.
2. The Board subsequently learned that Petitioner had failed to properly disclose a prior conviction occurring in 1978 when applying for the original license. Petitioner likewise failed to disclose the conviction to the Wyoming licensing board, and as a result was sanctioned by that board.
3. The misrepresentation in obtaining a license from this Board, and the sanction by the Wyoming board for the same conduct, constitute violations of the Kansas healing arts act, specifically at K.S.A. 1998 Supp. 65-2836(a) and (j).
4. Petitioner's misconduct is mitigated by the passage of time since the arrest occurred, the passage of time since the original application was filed, and Petitioner's voluntary

notification to the Board that he had misrepresented the prior conviction.

IT IS, THEREFORE, ORDERED that the answer in opposition to the application for reinstatement is denied, and that Petitioner's license be reinstated upon presenting satisfactory proof of meeting all requirements for licensure.

Entered this 26th day of August, 1999.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 26 day of August, 1999 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

David K. Wineinger, M.D.
4444 W. 130th Terr.
Leawood, Kansas 66209

Mary Beth Blake
Attorney at Law
84 Corporate Woods
10601 Mastin, Ste 1000
Overland Park, Kansas 66210-1669

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

Stacy L. Cook
Litigation Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603