

FILED

NOV 1 2002

KANSAS STATE BOARD OF
HEALING ARTS

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

In the Matter of)
)
RAYMOND WINGER, M.D.)
Kansas License No. 4-17959)
_____)

Docket No. 03-HA-15

FINAL ORDER

NOW ON THIS Twelfth Day of October 2002, comes before the Board a request by Licensee Raymond Winger, M.D., to change his license designation from inactive to active. Licensee appears in person and through Steve A. Schwarm, Attorney at Law. Stacy L. Cook, Litigation Counsel, appears for the Board in opposition to Licensee's request.

After hearing the statements of the parties, the Board finds, concludes and orders as follows:

1. The Board granted Licensee a license to practice medicine and surgery in June 1978. He has held an inactive license since July 1998. Licensee has not actively practiced the healing arts since July 1998.

2. On August 15, 2001 the State of Colorado denied Licensee's application for a medical license. The grounds for the denial were stated as Licensee's not having practiced medicine and surgery for the two-year period prior to the application, causing concerns regarding Licensee's professional competency.

3. The Colorado Personalized Education for Physicians program (CPEP) evaluated Licensee's professional practice in February 2001. [REDACTED]



4. The Board finds that Licensee is not professionally competent to engage in the active practice of medicine and surgery.

5. The Board concludes that under K.S.A. 2001 Supp. 65-2836(b), an application for a license to practice the healing arts may be denied upon a finding that the applicant has committed an act of professional incompetency. The Board further concludes that, as provided by K.S.A. 2001 Supp. 65-2837(a)(3), professional incompetency means behavior that demonstrates manifest incapacity to practice medicine.

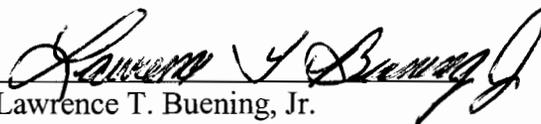
6. The Board finds and concludes that Licensee's request to change his license designation from inactive to active should be denied.

IT IS, THEREFORE, ORDERED that Licensee's request to change his license designation from inactive to active should be denied.

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. 77-610, et seq. Reconsideration of the 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 executive director at 235 S. Topeka Blvd., Topeka, KS 66603.

Dated this 1st Day of November 2002.

Kansas State Board of Healing Arts


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 1st day of November 2002 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Raymond Winger, M.D.
932 Alden
PO Box 1107
Elkhart, KS 67950

Steve A. Schwarm
Goodell, Stratton Edmonds & Palmer, LLP
515 S. Kansas Ave.
Topeka, KS 66603-3999

and a copy was hand-delivered to:

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

