


EFFECTIVE AS A FINAL ORDER

DATE: 9.7.23

FILED
AUG 17 2023 

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
) KSBHA Docket No. 24-HA 00006
Crystal M. Cunningham, M.D.)
Kansas License No. 04-45096)

SUMMARY ORDER

NOW ON THIS 17th day of AUGUST, 2023, this matter comes before Susan Gile, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings under K.S.A. 77-537.

Under K.S.A 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within 15 days of service. Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Crystal M. Cunningham, M.D. ("Licensee") is or has been entitled to be engaged in the practice of medicine and surgery in Kansas, having been granted an Active license through the Interstate Medical Licensure Compact, K.S.A. 65-28,133 ("IMLC"), on August 9, 2021. Licensee's current license designation is Active. Licensee last renewed this license on July 24, 2023.

2. Licensee's last mailing address known to the Board is: **CONFIDENTIAL**
CONFIDENTIAL Licensee's last email address known to the board is **CONFIDENTIAL**
CONFIDENTIAL

Crystal M. Cunningham, M.D.
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3. Licensee is currently licensed to practice medicine in Arizona, having been issued license number 58299 by the Arizona Medical Board on or about September 5, 2019. (Bd. Ex. 1 – Physician Data Center Practitioner Profile, p. 2).

4. On or about June 26th, 2023, the Arizona Medical Board issued an “Interim Consent Agreement”. The Interim Consent Agreement suspended Licensee’s license to practice medicine for an indefinite term. The interim findings of facts read in pertinent part:

“3. The [Arizona Medical] Board **CONFIDENTIAL** after
CONFIDENTIAL alleging
unprofessional practice by [Licensee] including treatment of patients while
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* * *

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CONFIDENTIAL opined
that Respondent was not safe to practice medicine.”

and the interim conclusions of law read in pertinent part:

“3. Pursuant to A.A.C. R4-16-504, the Executive Director may enter into an interim consent agreement when there is evidence that a restriction is needed to mitigate imminent danger to the public’s health and safety. Investigative staff, the Board’s medical consultant and the lead Board member have reviewed the case and concur that an interim consent agreement is appropriate.

* * *

IT IS HEREBY ORDERED THAT:

1. Respondent is prohibited from engaging in the practice of medicine in the State of Arizona as set forth in A.R.S. § 32-1401(22) until [Licensee] applies to the Executive Director and receives permission to do so.”

(Bd. Ex. 2 – Interim Consent Agreement.)

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Applicable Law

5. Under K.S.A. 65-2836(j) of the Kansas Healing Arts Act, licensee's license may be revoked, suspended, or limited, or the licensee may be publicly censured or placed under probationary conditions, where “[t]he licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country.”

Conclusions of Law

6. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

7. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions of K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to non-parties.

8. The Board finds Licensee violated K.S.A. 65-2836(j), in that Licensee’s license to practice medicine in Arizona was limited and/or suspended by the Arizona Medical Board due to public safety concerns on June 26, 2023, and the Board therefore has authority to revoke, suspend, or limit Licensee’s license, or to publicly censure or place Licensee under probationary conditions.

IT IS HEREBY ORDERED that Licensee’s license to practice medicine and surgery in Kansas is **INDEFINITELY SUSPENDED** from the date this Order becomes effective as a Final

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Order, until such time as Licensee can demonstrate to the Board's satisfaction: 1) Licensee is no longer prohibited from engaging in the practice of medicine in Arizona; and 2) the public safety concerns underlying the Arizona Medical Board's Interim Consent Agreement have been adequately addressed.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 17th day of August, 2023.

**KANSAS STATE BOARD
OF HEALING ARTS**

Susan Gile

Susan Gile
Executive Director

Crystal M. Cunningham, M.D.
License No. 04-45096
Summary Order

FINAL ORDER NOTICE OF RIGHTS

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. 77-601, *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 Susan Gile, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing **FINAL ORDER** by depositing the same in the United States Mail, postage prepaid, on this 7th day of September 2023, addressed and emailed to:

Crystal M. Cunningham, M.D.
CONFIDENTIAL

Licensee

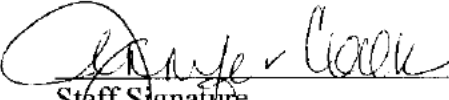
And a copy was hand-delivered to:

Matthew Gaus, Deputy Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
matthew.gaus@ks.gov

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Staff Signature

BOARD EXHIBIT # 1

Physician Data Center Practitioner Profile

In the matter of Crystal M. Cunningham, MD
Docket No. TBD

PRACTITIONER PROFILE

Prepared for: DAS Kansas State Board of Healing Arts As of Date: 7/3/2023

PRACTITIONER INFORMATION

Name: Cunningham, Crystal Marie
CONFIDENTIAL
DOB:
Medical School: University Of North Dakota School Of Medicine and Health Sciences
Grand Forks, North Dakota, UNITED STATES
Year of Grad: 2006
Degree Type: MD
NPI: 1922294628

BOARD ACTIONS

Reporting Entity: Arizona Medical Board
Date of Order: 6/26/2023
Form of Order: Consent Order/Agreement
Action(s): RESTRICTED FROM THE PRACTICE OF MEDICINE
Basis: Not Applicable

NATIONAL PROVIDER IDENTIFIER (NPI)

NPI	NPI Type	Deactivation Date	Reactivation Date	Last Reported
1922294628	Individual			10/19/2021

PRACTITIONER PROFILE

Prepared for: DAS Kansas State Board of Healing Arts As of Date:7/3/2023
 Practitioner Name: Cunningham, Crystal Marie

LICENSE HISTORY

Jurisdiction	License Number	Issue Date	Expiration Date	Last Updated
ARIZONA	58299	09/05/2019	12/25/2023	06/23/2023
		FSMB License Status: Active		
IOWA	MD-39726	07/20/2011	08/01/2025	07/03/2023
		FSMB License Status: Active		
KANSAS	04-45096	08/09/2021	07/31/2023	06/06/2023
		FSMB License Status: Active		
MAINE		12/19/2014		07/03/2023
		FSMB License Status: Pending		
MAINE	TD141190	01/20/2015	07/20/2015	07/03/2023
		FSMB License Status: Expired		
MINNESOTA	56045	01/12/2013	08/31/2021	06/29/2023
		FSMB License Status: Inactive		
NORTH DAKOTA	12143	03/23/2012	08/25/2017	06/16/2023
		FSMB License Status: Inactive		
PENNSYLVANIA	MT189164	06/01/2006	06/30/2011	06/29/2023
		FSMB License Status: Inactive		
PENNSYLVANIA	MD441937	02/07/2011	04/30/2021	06/29/2023
		FSMB License Status: Inactive		
WISCONSIN	66510-20	11/08/2016	10/31/2023	06/21/2023
		FSMB License Status: Active		

PRACTITIONER PROFILE

Prepared for: DAS Kansas State Board of Healing Arts As of Date:7/3/2023
 Practitioner Name: Cunningham, Crystal Marie

ABMS® CERTIFICATION HISTORY

Certifying Board: American Board of Surgery
 Certificate: Surgery
 Certification Type: General
 Certification Status: Certified
 Participating in MOC: Yes

Status	Duration	Effective Date	Expiration Date	Reverification Date	Occurrence	Last Reported
Active	Time Limited	11/12/2012	12/31/2023		Initial	06/29/2023

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AOA® CERTIFICATION HISTORY

No AOA Certifications found.

Disclaimer: The licensure and disciplinary information contained in this report was supplied by the respective state medical boards and other reporting agencies. The Federation of State Medical Boards provides this primary source information as a Credentials Verification Organization (CVO) in accordance with standards set by NCQA and the Joint Commission. Any questions regarding the above data should be directed to the reporting board or reporting agency.

BOARD EXHIBIT # 2

Interim Consent Order

In the matter of Crystal M. Cunningham, MD
Docket No. TBD

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of
CRYSTAL CUNNINGHAM, M.D.
Holder of License No. 58299
For the Practice of Allopathic Medicine
In the State of Arizona.

Case No. MD-23-0327A
**INTERIM CONSENT AGREEMENT
FOR PRACTICE RESTRICTION**

INTERIM CONSENT AGREEMENT

Crystal Cunningham, M.D. ("Respondent") elects to permanently waive any right to a hearing and appeal with respect to this Interim Consent Agreement for Practice Restriction and consents to the entry of this Order by the Arizona Medical Board ("Board").

INTERIM FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of License No. 58299 for the practice of allopathic medicine in the State of Arizona.

3. The Board **CONFIDENTIAL** alleging unprofessional practice by Respondent including treatment of patients **CONFIDENTIAL**
CONFIDENTIAL

4. Based on the information obtained during the course of the investigation, on June 6, 2023 the Executive Director issued an Interim Order **CONFIDENTIAL**

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5. This Interim Consent Agreement shall be effective on the date signed by the Board's Executive Director.

DATED this 26th day of June, 2023.

ARIZONA MEDICAL BOARD

By Patricia E. McSorley
Patricia E. McSorley
Executive Director

RECITALS

Respondent understands and agrees that:

1. The Board, through its Executive Director, may adopt this Interim Consent Agreement, or any part thereof, pursuant to A.R.S. § 32-1405(C)(25) and A.A.C. R4-16-504.

2. Respondent has read and understands this Interim Consent Agreement as set forth herein, and has had the opportunity to discuss this Interim Consent Agreement with an attorney or has waived the opportunity to discuss this Interim Consent Agreement with an attorney. Respondent voluntarily enters into this Interim Consent Agreement and by doing so agrees to abide by all of its terms and conditions.

3. By entering into this Interim Consent Agreement, Respondent freely and voluntarily relinquishes all rights to an administrative hearing on the matters set forth herein, as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action, concerning the matters related to the Interim Consent Agreement.

1 4. Respondent understands that this Interim Consent Agreement does not
2 constitute a dismissal or resolution of this matter or any matters that may be currently
3 pending before the Board and does not constitute any waiver, express or implied, of the
4 Board's statutory authority or jurisdiction regarding this or any other pending or future
5 investigations, actions, or proceedings. Respondent also understands that acceptance of
6 this Interim Consent Agreement does not preclude any other agency, subdivision, or
7 officer of this State from instituting civil or criminal proceedings with respect to the conduct
8 that is the subject of this Interim Consent Agreement. Respondent further does not
9 relinquish Respondent's rights to an administrative hearing, rehearing, review,
10 reconsideration, judicial review or any other administrative and/or judicial action,
11 concerning the matters related to a final disposition of this matter, unless Respondent
12 affirmatively does so as part of the final resolution of this matter.
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14 5. Respondent acknowledges and agrees that upon signing this Interim
15 Consent Agreement and returning it to the Board's Executive Director, Respondent may
16 not revoke Respondent's acceptance of this Interim Consent Agreement or make any
17 modifications to it. Any modification of this original document is ineffective and void unless
18 mutually approved by the parties in writing.

19 6. Respondent understands that this Interim Consent Agreement shall not
20 become effective unless and until it is signed by the Board's Executive Director.

21 7. Respondent understands and agrees that if the Board's Executive Director
22 does not adopt this Interim Consent Agreement, Respondent will not assert in any future
23 proceedings that the Board's consideration of this Interim Consent Agreement constitutes
24 bias, prejudice, prejudgment, or other similar defense.
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1 EXECUTED COPY of the foregoing e-
mailed this 26th day of June, 2023 to:

2

3 Crystal M. Cunningham, M.D.
Address of Record

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5 Colin S. Bell, Esq.
Stewart Law Group
202 East Earll Drive, Suite 160
6 Phoenix, Arizona 85012
Attorney for Respondent

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8 ORIGINAL of the foregoing filed
this 26th day of June, 2023 with:

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10 Arizona Medical Board
1740 West Adams, Suite 4000
Phoenix, Arizona 85007

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13 Board staff

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