

FILED CRAB
MAY 03 2011
KS State Board of Healing Arts

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

In the Matter of)
Kapil Bhalla, MD)
)
Application for Licensure)
_____)

KSBHA Docket No. 11-HA00070

FINAL ORDER FOLLOWING CONFERENCE HEARING
(Pursuant to K.S.A. 77-501 et seq.)

NOW on this 15th day of April 2011, comes before the Kansas State Board of Healing Arts (“Board”) the application of Kapil Bhalla, M.D. (“Applicant”) for the a license by endorsement to practice medicine and surgery in the State of Kansas. Licensee appears *pro se*. Stacy Bond, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to Board by K.S.A. 65-2801 *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the file, hearing the statements and arguments of Ms. Bond, hearing the testimony of the Applicant and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions and order:

I. Findings of Fact

The Board has been shown the following facts:

1. Applicant submitted an application for a license by endorsement to practice medicine and surgery in the State of Kansas to the Board. Such application was filed with the Board on March 15, 2011.
2. Applicant’s mailing address as provided to the Board is: KU Cancer Center, 4030 Robinson Bldg, MS 1027, 3901 Rainbow Blvd, Kansas City, KS 66160.

3. On or about February 27, 1976, Applicant graduated from Maulana Azad Medical College, University of New Delhi, India.

4. Applicant is unable to obtain original verification of his medical school credentials from Maulana Azad Medical College, University of New Delhi, India.

5. Applicant presently holds active licenses to practice medicine and surgery in South Carolina, Georgia, and Florida.

6. Since at least 1983, Applicant has actively practiced medicine and surgery in the United States while appropriately licensed.

II. Applicable Law

K.S.A. 65-2833. Endorsement licenses; requirements. The board, without examination, may issue a license to a person who has been in the active practice of a branch of the healing arts in some other state, territory, the District of Columbia or other country upon certificate of the proper licensing authority of that state, territory, District of Columbia or other country certifying that the applicant is duly licensed, that the applicant's license has never been limited, suspended or revoked, that the licensee has never been censured or had other disciplinary action taken and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof satisfactory to the board:

- (a) That the state, territory, District of Columbia or country in which the applicant last practiced has and maintains standards at least equal to those maintained by Kansas.
- (b) That the applicant's original license was based upon an examination at least equal in quality to the examination required in this state and that the passing grade required to obtain such original license was comparable to that required in this state.
- (c) Of the date of the applicant's original and any and all endorsed licenses and the date and place from which any license was attained.
- (d) That the applicant has been actively engaged in practice under such license or licenses since issued, and if not, fix the time when and reason why the applicant was out of practice.
- (e) That the applicant has a reasonable ability to communicate in English.

An applicant for endorsement registration shall not be licensed unless the applicant's individual qualifications meet the Kansas legal requirements.

In lieu of any other requirement prescribed by law for satisfactory passage of any examination in any branch of the healing arts the board may accept evidence satisfactory to it that the applicant or licensee has satisfactorily passed an equivalent examination given by a national board of examiners in chiropractic, osteopathic medicine and surgery or medicine and surgery as now required by Kansas statutes for endorsement from other states.

K.S.A. 77-501 *et seq.* – Kansas Administrative Procedure Act

III. Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

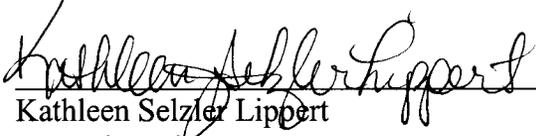
IV. Conclusions

Based upon the Findings of Fact enumerated in Paragraph Nos. 1 through 6, the Applicable Law and the Policy Statement set forth above, the Board hereby concludes as follows:

7. Applicant has demonstrated satisfactory compliance with K.S.A. 65-2833 to be granted a license by endorsement to practice medicine and surgery in Kansas.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant is hereby granted a license to practice medicine and surgery in Kansas.

IT IS SO ORDERED THIS 3rd DAY OF May, 2011, IN THE
CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

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 Kathleen Selzler Lippert, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing Final Order was served this 3rd day of May, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Kapil Bhalla, M.D.
KU Cancer Center
4030 Robinson Bldg, MS 1027
3901 Rainbow Blvd.
Kansas City, KS 66160

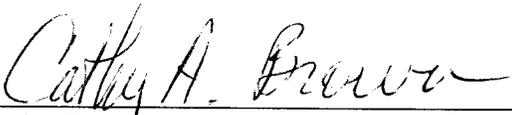
And a copy was hand-delivered to the following:

Stacy Bond, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

The original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant