

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

JAN 21 2010

KS State Board of Healing Arts

In the Matter of)
)
Maged S Botros, MD) Docket No. 10-HA00083
)
Kansas license No. 04-29487)

FINAL ORDER

NOW, on this 20th day of January 2010, this matter comes before Kathleen Selzler Lippert, Interim Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being advised in the premises, the Interim Executive Director makes the following determinations.

1. On December 15, 2009 the Interim Executive Director issued a Summary Order regarding the license of Maged S Botros, M.D. (“Licensee”) to practice medicine and surgery in the state of Kansas. The Summary Order contained a provision for the Licensee to submit proof of 50 hours of continuing education, due within fifteen (15) days of the effective date of the Summary Order.

2. On December 15, 2009, the Interim Executive Director issued a Summary Order regarding the license of Maged S Botros, M.D. (“Licensee”) to practice medicine and surgery in the state of Kansas. The Summary Order contained a provision assessing a \$500 civil fine against Licensee for failure to have met the continuing education requirement at the time of renewal, due and payable within thirty (30) days of the effective date of the Summary Order.

3. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would

be come effective as a Final Order of the Board upon expiration of the time for the requesting a hearing.

4. No hearing has been requested by any party; therefore the Summary Order became effective as a final order on January 4, 2010.

IT IS SO ORDERED

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed pursuant to K.S.A. 77-613(e), the Agency Officer to be served on behalf of the Kansas State Board of Healing Arts is Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts, 235 S Topeka Blvd., Topeka, Kansas 66603.

DATED this 20th day of January, 2010

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert
Interim Executive Director

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Final Order was served this 21st day of January, 2010 by United States mail, first class postage prepaid and addressed to:

Maged S Botros MD
929 N St Francis
Wichita, KS 67214

and a copy hand delivered to the office of:

Kelli Stevens
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 6603-3068

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

and the original filed with the office of the Interim Executive Director.

Kathleen Selzler Lippert
Interim Executive Director
Kansas State Board of Healing Arts
235 S Topeka Blvd
Topeka, KS 66603



Cathy Brown
Executive Assistant

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

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K.S. State Board of Healing Arts

In the Matter of)
)
Maged S Botros, MD)
License No. 04-29487)
_____)

Docket Number: 10-HA00083

SUMMARY ORDER

NOW ON THIS 15th day of December, 2009, this matter comes before Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

After reviewing 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:

1. Maged S Botros, MD ("Licensee") was originally issued license number 04-29487 to practice medicine and surgery in the State of Kansas on February 23, 2002.
2. On or about June 25, 2009, Licensee submitted an application for renewal of their license.
3. As part of the renewal process, Licensee certified that the rules regarding proof of continuing education had been read, that 50 hours of continuing education hours had been achieved, and that documentation of those hours would be maintained for a three-year period and produced to the Board upon request.
4. As part of the renewal process, Licensee further certified that the notice regarding the Board's procedures for auditing continuing education compliance had been read.
5. K.A.R. 100-15-5 requires each Licensee desiring to renew a Medicine and Surgery license to submit to the Board documented evidence of completion of a minimum of 50

contact hours of continuing education with a minimum 20 hours category I and maximum 30 hours category II since January 1, 2008, or 100 contact hours of continuing education 40 hours category I and maximum 60 hours category II since January 1, 2008, or 150 contact hours of continuing education 60 hours category I and maximum 90 hours category II since January 1, 2006, before or with the request for renewal.

6. Licensee was randomly selected to provide verification of compliance with the continuing education requirements and professional liability insurance on August 15, 2009, a letter was mailed to Licensee requesting that Licensee provide no later than September 20, 2009, the records relied upon when Licensee certified achievement of the required continuing education hours.

7. No response was received from Licensee.

8. A second letter requesting proof of continuing education by October 9, 2009 was sent to licensee on September 23, 2009 by certified mail through the United States Postal Service.

9. On September 25, 2009 the certified letters as signed for by a representative for the licensee.

10. No response was received from Licensee.

11. By certifying that the licensee had met the requirement for renewal, Licensee violated K.S.A. 65-2836 (k), "violated any lawful rule and regulation promulgated by the Board or violated any lawful order or directive of the Board previously entered by the Board."

Specifically Licensee violated K.A.R. 100-15-5.

12. In addition to any other penalty prescribed under the healing arts act, K.S.A. 65-2863a authorizes the Board to assess an administrative fine in an amount not exceeding \$5,000 for the first violation of the healing arts act.

IT IS, THEREFORE, ORDERED that Licensee be assessed a civil fine in the amount of \$500, payable within thirty days of the effective date of this order, for failure to have met the continuing education requirement at the time of renewal.

IT IS FURTHER ORDERED that you shall submit proof that you have met your continuing education requirement for the previous year to the Board with fifteen days following service of this summary order. Your license may be suspended if the records are not received by that date.

PLEASE TAKE NOTICE that this is a summary order. A party to whom a summary order is issued may file a written request for a hearing within 15 days following service of the summary order. If a hearing is not requested, the summary order shall become effective as a final order of the Board upon expiration of the time for requesting a hearing. A request for a hearing must be addressed to Kathleen Selzler Lippert, Interim Executive Director, 235 South Topeka Boulevard, Topeka, Kansas 66603.

DATED this 15th day of December, 2009.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert
Interim Executive Director

CERTIFICATE OF SERVICE

I do hereby certify that on the 15th day of December, 2009, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Maged S Botros MD
929 N St Francis
Wichita, KS 67214

and a copy hand delivered to the office of:

Kelli Stevens
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

and the original filed with the office of the Interim Executive Director.

Patty Kostreles
~~Cathy Brown~~ *Patty Kostreles*
Executive Assistant