

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED**

*CHD*

OCT 27 2008

In the Matter of }  
Nitin Dhiman, M.D., }  
Application for Kansas License }  
\_\_\_\_\_ }

K.S. State Board of Healing Arts

Docket No. 09- 00044

*09- HA00044*

FINAL ORDER

NOW this October 11, 2008 the above captioned matter comes before the Board of Healing Arts of the State of Kansas (Board). The applicant appears in person *pro se*. The Board appears by Kathleen Lippert, Litigation Counsel. There are no other appearances. The applicant did not object to members of the Disciplinary Panel hearing and participating in the application for license. The applicant requested the Board not report a denial of a license to the National Practitioner data bank.

WHEREUPON, the Board heard Nitin Dhiman's application for a postgraduate permit to practice medicine and surgery. The Board having reviewed the record and being fully apprised of the circumstances makes the following findings of fact:

1. The applicant stated in his application that he completed post-graduate training at Texas Tech Family Medicine. Nitin Dhiman changed original documents from the Texas Tech residency program after he resigned from that program to indicate he had satisfactorily completed his rotations when he had not satisfactorily completed those rotations. Nitin Dhiman resigned from the Texas Tech University medical program in lieu of termination.
2. The applicant, Nitin Dhiman, at one time held a Postgraduate Resident Permit from the State of Texas. On his application for a license to practice medicine in Kansas, the applicant was requested to provide information regarding all

jurisdictions in which the applicant had been licensed to practice medicine.

The applicant failed to report the fact that he was once possessed a Postgraduate Resident Permit issued by the State of Texas to the Board.

3. The applicant was granted Postgraduate Resident Permit Number BP10027126 from the Texas Medical Board. The applicant denied the fact he possessed Postgraduate Resident Permit Number BP10027126 from the Texas Medical Board to staff members of the Kansas State Board of Healing Arts.
4. The applicant, Nitin Dhiman, was arrested for using computers in the St. Luke's Hospital without obtaining permission from the proper authorities. The applicant received a diversion from the prosecutors for his activity.

WHEREUPON, the Board made the following conclusions of law:

1. The applicant violated K.S.A. 65-2836(a) by committing fraud or making a misrepresentation when he applied for a Kansas license after he changed original documents from the Texas Tech University residence program to indicate that he had successfully completed its program when he had not.
2. The applicant, Nitin Dhiman, violated K.S.A. 65-2836(r) when he failed to furnish the Board's representatives information that was legally requested by the Board. The Board asked the applicant whether he had been licensed to practice medicine in any other jurisdiction. The applicant failed to inform the Board that he had previously possessed Postgraduate Resident Permit Number BP10027126 in the State of Texas.
3. The applicant, Nitin Dhiman, violated K.S.A. 65-2836(a) when he misrepresented to the Board that he had not been licensed in Texas when he

once possessed Postgraduate Resident Permit Number BP10027126 from the Texas Medical Board.

4. The applicant, Nitin Dhiman, violated K.S.A. 65-2836(b) by committing an unprofessional or dishonorable act when he used deception to gain access to a St. Luke's Hospital computer when he was not a member of the hospital staff.

WHEREFORE, the Board finds the applicant, Nitin Dhiman, unqualified to practice medicine and surgery in the State of Kansas and DENIES the applicant a Postgraduate Permit.

WHEREFORE, the Board DENIES the applicant's request not to report this matter to the National Practitioner data bank. The Board orders staff to report the denial of a license to the applicant to the national practitioner data bank.

**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 Jack Confer, the Board's Acting Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.



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Jack Confer  
Acting Executive Director  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603-3068  
785/296-3680

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 27<sup>th</sup> day of October, 2008 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Nitin Dhiman, M.D.  
12760 Ballentine  
Overland Park, KS 66213

And a copy hand delivered to:

Kathleen Lippert  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

Katy Lenahan  
Licensing Administrator  
235 SW Topeka Blvd.  
Topeka, KS 66603

Cathy A. Brown