

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS



IN THE MATTER OF THE
RENEWAL OF LICENSE OF:

Nabil A. El-Halawany, M.D.
Kansas License No. 4-22004,

AGREED ORDER OF RENEWAL

NOW, on this 4th day of September, 1990, this matter comes on for determination before Richard G. Gannon, Executive Director of the Kansas State Board of Healing Arts (hereafter "Board").

The Board by and through its Litigation Counsel, Steve A. Schwarm, and Nabil A. El-Halawany, M.D. (hereafter "Licensee") stipulate and agree as follows:

1. The Board is the sole and exclusive regulatory agency in the State of Kansas authorized to issue licenses to practice the healing arts in this State.

2. Pursuant to K.S.A. 1989 Supp. 65-2809(a), Licensee's license issued by the Board to practice in the State of Kansas expired June 30, 1990.

3. In accordance with K.S.A. 1989 Supp. 65-2809(d), the Board notified Licensee on or about May 9, 1990 and more than ninety days prior to June 30, 1990 of the expiration of Licensee's license.

4. On or about July 7, 1990, and in further compliance with K.S.A. 1989 Supp. 65-2809(d), the Board mailed a second notice to Licensee that the license had expired but no action would be taken for thirty days following the date of expiration.

5. On July 31, 1990, Summary Proceedings were held and an Order of Cancellation was issued. Said Order was served, by mail, on Licensee on August 7, 1990 which pursuant to K.S.A. 77-537 would become effective on August 26, 1990 unless Licensee requested a hearing as specified in said Order.

6. Subsequent to the issuance of the Order of Cancellation, Licensee has requested a hearing as stated in the Order and has filed a fully complete application and submitted the required annual fee together with the authorized late fee.

7. Due to the Licensee's negligence, inadvertence and mistake in failing to properly renew the license in violation of K.S.A. 1989 Supp. 65-2809, Licensee agrees to the imposition of a \$100 civil fine as authorized by K.S.A. 1989 Supp. 65-2863a.

8. Upon the payment of the fine as above set forth, Licensee's license shall be renewed for the period ending June 30, 1991 and the Order of Cancellation dated July 31, 1990 will, at the time of renewal, be retracted and considered null and void ab initio and of no force or effect.

9. Licensee acknowledges the rights to due process and a hearing which are afforded by the Kansas Administrative Procedure Act and the Kansas Healing Arts Act, but by the execution of this agreed Order of Renewal specifically waives such rights with respect to the matters agreed to herein and consents to the entry of this Order and the renewal of the license for the period ending June 30, 1991, as specified in this agreed Order.

10. It is further acknowledged that this agreed Order of Renewal shall become a public document but that it will not be considered to be the imposition of any form of disciplinary action against Licensee which would be reportable as a disciplinary action against Licensee.

11. It is specifically agreed and stipulated by and between Licensee and the Board's Litigation Counsel that this agreed Order of Renewal shall not become effective until it has been approved by the Board of Healing Arts or its duly authorized and designated representative.

Nabil Elhalawa
"Licensee"

8/27/90
DATE

Steve A. Schwarm
Steve A. Schwarm
Litigation Counsel

083090
DATE

APPROVAL OF ORDER


The above and foregoing agreed Order of Renewal is hereby approved in its entirety.

DATED THIS 4th day of August, 1990.

KANSAS STATE BOARD OF HEALING ARTS

Richard G. Gannon
Richard G. Gannon, Executive Director

Approved By:


Lawrence T. Buening, Jr.
General Counsel
Kansas State Board of Healing Arts
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