

MAR 19 2003

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

**KANSAS STATE BOARD OF  
HEALING ARTS**

In the Matter of )  
)  
**DARYOUS JAMAL, M.D.** )  
Application for Licensure by )  
Examination )

Docket No. 03-HA-51

**FINAL ORDER**

**NOW**, on this 19<sup>th</sup> day of March 2003, comes on before John P. Gravino, D.O., the Presiding Officer appointed by the Kansas State Board of Healing Arts ("Board") to issue a final order on the request of Daryoush Jamal, M.D. ("Applicant") for test accommodations. After reviewing the file and being duly advised in the premises, the Presiding Officer makes the following findings and orders:

1. Applicant has filed an Application for Licensure with the Board and an application to take the Step 3 Examination of the United States Medical Licensing Examination.

2. As part of his Application for Licensure, Applicant filed a Questionnaire for USMLE Step 3 Applicants Requesting Test Accommodation in which he indicated a disability and requested accommodations in the way of additional testing time and extra break time.

3. Following receipt of the Questionnaire and supporting information provided by Applicant, the Board obtained an opinion as to whether the information supplied by Applicant provided evidence of a disability within the meaning of the Americans with Disabilities Act of 1990 ("ADA") so as to entitle Applicant to accommodations.

4. Based upon the opinion that there was inadequate support for the diagnosis of a disability or to determine the existence of a disability, the Executive Director of the Board issued a Summary Order filed January 24, 2003, denying Applicant's request for test accommodations.

5. On January 29, 2003, Applicant requested a hearing on his request and the matter was presented to the Board as a whole in conference proceedings on February 15, 2003.

6. During the conference hearing, the Board determined that there were disputed issues of material fact, that the matter should be converted to a formal hearing, and appointed this Presiding Officer to conduct the formal hearing with authority under K.S.A. 77-514(g) to render a final order in the proceeding.

7. Since the issuance of the Summary Order on January 24, 2003, Applicant has provided substantial additional information in support of his request for accommodations. This information has been submitted to and reviewed by H. Mikel Thomas, M.D.

8. On March 11, 2003, Dr. Thomas rendered an opinion that supports a diagnosis of ADHD, a disability within the meaning of the ADA, and recommended that Applicant receive accommodations of double time when he sits for Step 3 of the USMLE but that he not receive extra break time.

9. Based upon the information presented to the Presiding Officer, Applicant should receive accommodations of double time but not receive extra break time.

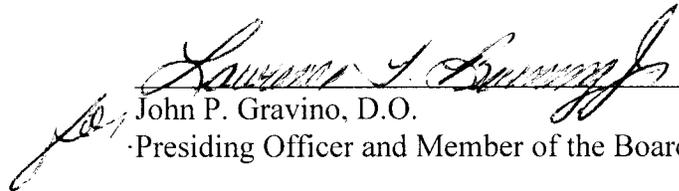
**IT IS THEREFORE ORDERED** that Applicant's request for accommodations be granted in part by allowing him double time when he sits for Step 3 of USMLE but that the request be denied in part by not granting the request for extra break time.

**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. 77-610, et seq. Reconsideration of the Final Order is not a prerequisite of 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 the Board executive director at 235 South Topeka Boulevard, Topeka, Kansas 66603.

DATED this 19<sup>th</sup> day of March 2003.

**KANSAS STATE BOARD OF HEALING ARTS**

  
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John P. Gravino, D.O.  
Presiding Officer and Member of the Board