

**EFFECTIVE AS A
FINAL ORDER**

DATE: 1/13/14

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

FILED
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KS State Board of Healing Arts

**In the Matter of
Naseh Nawabi, M.D.**

Docket No. 14-HA00062

Applicant for Licensure

**PROPOSED DEFAULT ORDER DENYING
APPLICATION FOR LICENSURE**

NOW on this 13th day of December, 2013, comes on for conference hearing before the Kansas State Board of Healing Arts ("Board") the Application for License to Practice Medicine and Surgery of Naseh Nawabi, M.D. ("Applicant"). Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board. Applicant fails to appear.

Pursuant to the authority granted to the 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 Proposed Default Order in the above-captioned matter.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. On approximately February 4, 2013, Applicant submitted an Application for Licensure to practice medicine and surgery in Kansas. Such Application was determined to be complete and filed with the Board on November 7, 2013.
2. Applicant's Application requests licensure by endorsement pursuant to K.S.A. 65-2833 based on Applicant's other medical licenses in Arizona, Florida, Delaware, New York, and Michigan. Applicant does not qualify for a license by examination under K.A.R. 100-7-1(b)(1) because he took longer than ten (10) years to pass all of the steps of the USMLE examination.

3. On November 8, 2013, Associate Litigation Counsel filed a Response to Application for License to Practice Medicine and Surgery (“Response in Opposition”).

4. The Response in Opposition alleges that Applicant does not qualify for a license by endorsement under K.S.A. 65-2833 because he has not actively practiced medicine under the authority of any of his medical licenses in other states.

5. The Response in Opposition further alleges that Applicant’s absence from active practice since completion of his residency program in 2005 is grounds for denial of licensure pursuant to K.S.A. 65-2836(b) for professional incompetency, as further defined in K.S.A. 65-2837(a)(3).

6. Applicant was served with a copy of the Response in Opposition on November 8, 2013, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

7. A Conference Hearing was scheduled to be held on December 13, regarding Applicant’s Application and a Notice of Conference Hearing was served on Applicant on November 22, 2013, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

8. Applicant failed to appear at the conference hearing regarding his Application for Licensure held on December 13, 2013. At the conference hearing, Associate Litigation Counsel moved for issuance of a proposed default order denying Applicant’s Application for Licensure.

9. The Board finds Applicant is in default pursuant to K.S.A. 77-520.

10. The factual and legal allegations set forth in the Response in Opposition are deemed undisputed.

11. Based on the allegations in the Response in Opposition and the evidence in the agency record, the Board concludes that Applicant is not qualify for a license by endorsement pursuant to K.S.A. 65-2833 and that denial of Applicant's Application is warranted pursuant to K.S.A. 65-2836(b) as further defined by K.S.A. 65-2837(a)(3).

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant's Application for Licensure is hereby **DENIED**.

IT IS SO ORDERED THIS 20 DAY OF DECEMBER, 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

FINAL ORDER 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, Executive Director, Kansas Board of Healing Arts, 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 DENYING APPLICATION FOR LICENSURE** was served this 13th day of Jan., 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Naseh Nawabi, MD
70 S. Val Vista Dr. Ste. A3-175
Gilbert, AZ 85296

And a copy was hand-delivered to:

Jessica Bryson, 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

Kelli Stevens, General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And the original was filed with the office of the Executive Director.



Cathy Brown, Executive Assistant