

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED CRB
JUN 29 2011
KS State Board of Healing Arts

In the Matter of)
Natalie Pabotoy, M.D.)
Application for Kansas License) KSBHA Docket No. 11-HA00102
_____)

FINAL ORDER

(Pursuant to K.S.A. 77-501, *et seq.*)

NOW on this 17th day of June 2011, comes before the Kansas State Board of Healing Arts (“Board”) the application of Natalie Pabotoy, M.D. (“Applicant”) for a license to practice medicine and surgery in the State of Kansas and for licensure by endorsement. Applicant appears pro se via teleconference. Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, 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 Final Order in the above-captioned matter. After reviewing the file, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions of law and order:

I. Findings of Fact

1. On or about September 27, 2010, Applicant submitted to the Board an incomplete application for a license to practice medicine and surgery in the State of Kansas by endorsement.
2. On or about March 3, 2011, Applicant submitted to the Board a corrected application for a license to practice medicine and surgery in the State of Kansas by endorsement.

3. Applicant's last known mailing address provided to the Board is: confidential
confidential Seattle Washington 98119.

4. Applicant graduated from Justus-Liebig University in Germany on April 1, 2005, with a Doctor of Medicine degree.

5. Applicant was unable to provide the Board with her medical school transcript because Justus-Liebig University does not maintain that type a of record.

6. Applicant provided the Board with verification of her medical school education from Dr. J. Kreuder, Dean of Student Affairs, Faculty of Medicine, Justus-Liebig University. According to the verification form, Applicant attended the medical school from 1998 to 2005, and graduated as a "Physician" in April of 2005.

7. Applicant provided the Board with verification of successful completion of a three year, ACGME accredited, postgraduate residency in Internal Medicine at Virginia Mason Medical Center in Seattle, Washington in July of 2010.

8. Applicant provided the Board with verification of successful completion of USMLE Step 1, USMLE Step 2 (CK), USMLE Step 2 (CS), and USMLE Step 3.

9. Applicant has been licensed to actively practice medicine and surgery in the United States since October 7, 2010.

10. Applicant maintains a current, active, unrestricted license to practice medicine and surgery in the State of Washington, via written examination, that is in good standing. The State of Washington reported that no adverse action had been taken against Applicant.

II. Applicable Law

- a. K.S.A. 77-501, *et seq.* – Kansas Administrative Procedure Act
- b. K.S.A. 65-2801, *et seq.* – Kansas Healing Arts Act

- c. K.S.A. 65-2833. Endorsement licenses; requirements. The board, without examination, may issue a license to a person who has been in the active practice of a branch of the healing arts in some other state, territory, the District of Columbia or other country upon certificate of the proper licensing authority of that state, territory, District of Columbia or other country certifying that the applicant is duly licensed, that the applicant's license has never been limited, suspended or revoked, that the licensee has never been censured or had other disciplinary action taken and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof satisfactory to the board:
- (a) That the state, territory, District of Columbia or country in which the applicant last practiced has and maintains standards at least equal to those maintained by Kansas.
 - (b) That the applicant's original license was based upon an examination at least equal in quality to the examination required in this state and that the passing grade required to obtain such original license was comparable to that required in this state.
 - (c) Of the date of the applicant's original and any and all endorsed licenses and the date and place from which any license was attained.
 - (d) That the applicant has been actively engaged in practice under such license or licenses since issued, and if not, fix the time when and reason why the applicant was out of practice.
 - (e) That the applicant has a reasonable ability to communicate in English. An applicant for endorsement registration shall not be licensed unless the applicant's individual qualifications meet the Kansas legal requirements. In lieu of any other requirement prescribed by law for satisfactory passage of any examination in any branch of the healing arts the board may accept evidence satisfactory to it that the applicant or licensee has satisfactorily passed an equivalent examination given by a national board of examiners in chiropractic, osteopathic medicine and surgery or medicine and surgery as now required by Kansas statutes for endorsement from other states.
- d. K.A.R. 100-8-1. Issuance; requirement. The board, without examination, may issue a license to persons who meet requirements set out in K.S.A. 65-2833. (a) All applicants for endorsement from other countries may be required to personally appear before the board.
- (b) In order that the board may determine the standards established by law and rule in other countries the applicant will be responsible in furnishing to the board credible evidence such as affidavits, documents, publications and other material which will demonstrate the following: (1) Standards of the medical school of graduation.
 - (A) requirements for admission
 - (B) content of courses
 - (C) number of applicants as compared to number of admissions
 - (D) program of specialty training available
 - (E) faculty-student ratio
 - (F) description of physical plant
 - (G) credentials of instructors
 - (H) volumes and periodicals maintained in medical library
 - (I) type of laboratory facilities
 - (J) type of X-ray and diagnostic equipment in use

- (K) method through which the school is financed
 - (L) number and type of examinations given during the school year
 - (M) construction and type of organization that accredits the school and monitors the continued accreditation
 - (N) requirements for graduation
 - (2) Standards of the national examination required prior to licensure: (A) education and practical requirements prior to applicant qualifying to take the national examination
 - (B) construction and type of organization that makes up the national examination
 - (C) type of examination--written, oral, number of questions, length of examination, how monitored
 - (D) pass-fail rate
 - (E) questions from sample or past examinations.
- e. K.A.R. 100-8-2. Applications. All applications for endorsement registration shall be upon forms furnished by the Kansas healing arts board and these forms shall contain the following in plain, legible writing: (a) Name in full.
- (b) Post office address.
 - (c) Purpose of Kansas license.
 - (d) Date and place of birth.
 - (e) Certified statement in detail of professional education showing healing arts schools or colleges attended, periods of study, degrees obtained and date of graduation.
 - (f) Photograph, exactly three by four inches (3" x 4"), taken within ninety (90) days prior to date of application and certificate of the photographer on the back of the photograph showing date and place of the photograph. A thumb print on back of photograph shall be taken by any law enforcement agency or in the office of the board of healing arts and certified by the person taking the print.
 - (g) Affidavit of the applicant that he or she is the identical person completing the education requirements as provided in K.A.R. 100-6-2 [and] the photograph and thumb print submitted is that of the applicant.
 - (h) A certificate signed by the president or secretary of some county, district, state or country professional healing arts society, setting forth that the applicant is a member in good standing of said society, that he or she is a qualified ethical practitioner of good moral character as provided in K.S.A. 65-2804. In lieu of such certificate, the applicant may furnish a written recommendation from two (2) licensed practitioners who are members of the healing arts society where the applicant resides.
 - (i) A certified document of proficiency in basic science subjects.
 - (j) A true copy of the state or other country license or certificate issued by the endorsing state or country over the seal of the licensing authority and certified as correct by the secretary of the board or other licensing agency of such state or country from which the applicant comes endorsed.
 - (k) A certificate of state endorsement signed and attested by the secretary of the state board or other licensing authority from which the applicant is licensed.
- f. K.A.R. 100-8-4. Endorsement from this state. The executive director is empowered to certify on behalf of the board all necessary certificates for persons licensed in this state

desiring to obtain a license by endorsement in any other state or country. The certificate shall state whether the license is current or not.

III. Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions of Law

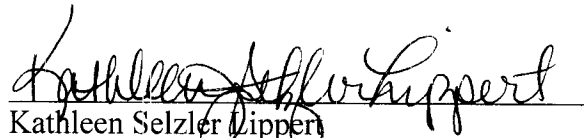
The Board hereby concludes that Applicant has demonstrated satisfactory compliance with K.S.A. 65-2833, and regulations pursuant thereunder, to be granted a license by endorsement to practice medicine and surgery in the State of Kansas.

V. Order

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that Applicant is hereby granted a license to practice medicine and surgery in the State of Kansas.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 28th **DAY OF** June, 2011, **IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:



Randy E. Stookey, #21885
Associate General Counsel
Kansas State Board of Healing Arts

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, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 29th day of June, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Natalie Pabotoy, M.D.
confidential
Seattle, WA 98119

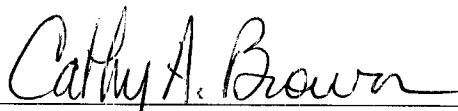
And a copy was hand-delivered to the following:

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

The original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant
Kansas State Board of Healing Arts