

EFFECTIVE AS A FINAL ORDER

DATE: 1/29/19

FILED *BV*
JAN 10 2019

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

KS State Board of Healing Arts

In the Matter of)
SELINA SANDOVAL, M.D.)
Postgraduate Permit No. 94-09052)

KSBHA Docket No. 19-HA 00050

SUMMARY ORDER

NOW, on this 10 day of Jan, 2019, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

Pursuant to K.S.A. 77-537, this Summary Order shall become effective as a Final Order without further notice if no written request for a hearing is made within fifteen (15) days of service. Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law and orders are made for and on behalf of the Board:

Findings of Fact

1. On or about July 1, 2016, Selina Sandoval, M.D. ("Permittee") was issued Postgraduate Permit No. 94-09052 to practice medicine and surgery within a postgraduate training program in Kansas, with an expiration date of June 30, 2020. Permittee is presently engaged in a postgraduate training program at the Kansas University Medical Center ("KUMC") in Kansas City, Kansas.
2. Permittee's last known mailing address provided to the Board is: KUMC Attn: Doran Shelby, 3901 Rainbow Blvd., Mail Stop 2028, Kansas City, Kansas 66160.
3. On or about December 25, 2017, while Permittee was preparing to begin rounding on patients, Permittee was approached by the [REDACTED]

Selina Sandoval, M.D.
Postgraduate Permit No. 94-09052
Summary Order

██████████ ██████████ told Permittee that he had a cough that was affecting his ability to sleep and requested that Permittee prescribe ██████████ to him.

4. At the time this request was made, Permittee was a second-year resident and ██████████ served as one of the attending physicians who supervised and evaluated Permittee's practice. Permittee was extremely uncomfortable with the request, but also felt pressured to comply due to ██████████ position of authority over her.

5. When Permittee verbally questioned whether she was authorized to write the prescription, ██████████ replied that he just needed ██████████. Because ██████████ directly supervised her practice and had asked her to do so, Permittee complied by prescribing ██████████ ██████████

6. On or about February 2, 2018, Permittee made a self-report to the Board of her practice outside the scope of her postgraduate permit based on this prescribing occurrence.

7. On or about March 10-11, 2018, Permittee attended the "PBI Prescribing Course" in Chicago, Illinois, at her own expense.

Applicable Law

8. Pursuant to K.S.A. 65-2811(d)(2), a postgraduate permit issued under K.S.A. 65-2811(b) shall be cancelled if the holder thereof has engaged in the practice of the healing arts outside of the postgraduate training program.

Conclusions of Law

9. The Board is the sole and exclusive administrative agency of the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of medicine and surgery within a postgraduate training program.

10. The Board has jurisdiction over Permittee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

11. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate and in accordance with the provisions of K.S.A. 77-537(a).

The Board further concludes that Permittee's postgraduate permit shall be Cancelled, as required by K.S.A. 65-2811(d)(2) but that such cancellation shall be stayed until Permittee completes her postgraduate training or is granted a full license

IT IS THEREFORE ORDERED that Permittee's postgraduate permit is hereby **CANCELLED** pursuant to K.S.A. 65-2811(d)(2). Such cancellation shall be immediately and simultaneously **STAYED**. The **STAY** shall remain in effect so long as Permittee does not engage in any additional acts of practice outside the scope of her postgraduate permit, and until:

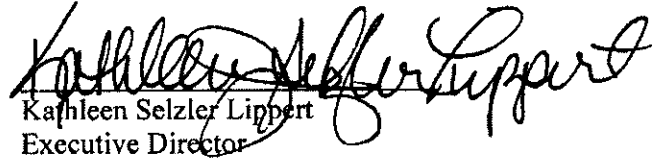
- a. Permittee successfully completes her postgraduate training program; or
 - b. Permittee is granted a license to practice in medicine and surgery in Kansas,
- whichever occurs first.

IT IS FURTHER ORDERED that upon the occurrence of Permittee's successful completion of her postgraduate training program, or Permittee being granted a license to practice medicine and surgery in Kansas, the **STAY** of **CANCELLATION** shall be lifted and Permittee's postgraduate permit shall be **ADMINISTRATIVELY CANCELLED** in the same manner set forth in K.S.A. 65-2811 for other permittees once such individuals cease to be engaged in postgraduate training programs, or receive full Kansas licenses.

IT IS SO ORDERED on this 10 day of Jan, 2019.

Selina Sandoval, M.D.
Postgraduate Permit No. 94-09052
Summary Order

**FOR THE KANSAS STATE BOARD OF
HEALING ARTS:**



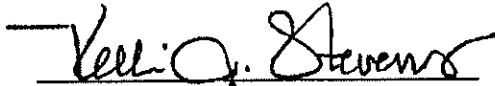
Kathleen Selzler Lippert
Executive Director

Selina Sandoval, M.D.
Postgraduate Permit No. 94-09052
Summary Order

PREPARED AND APPROVED BY:



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Selina Sandoval, M.D.
Postgraduate Permit No. 94-09052
Summary Order

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** was served this 29th day of Jan, 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Selina Sandoval, MD
KUMC Attn: Doran Shelby
3901 Rainbow Blvd, Mail Stop 2028
Kansas City, KS 66160

Kelli J. Stevens
Forbes Law Group, LLC
6900 College Boulevard, Suite 840
Overland Park, KS 66211

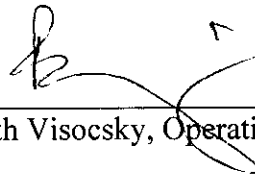
And a copy was hand-delivered to:

Katie Baylie, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the 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.



Beth Visocsky, Operations Manager