

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS



FILED

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JUL 18 2012

KS State Board of Healing Arts

In the Matter of )  
ABELARDO SOTELO, M.D. )  
 )  
Kansas License No. 04-35819 )  
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KSBHA Docket No. 12-HA00079

**FINAL ORDER GRANTING LICENSURE BY ENDORSEMENT**

NOW on this 22<sup>nd</sup> day of June 2012, comes before the Kansas State Board of Healing Arts (“Board”) the application of Abelardo Sotelo, M.D. (“Applicant”) for licensure by endorsement to practice medicine and surgery in the State of Kansas. Applicant appears in person and *pro se*. Brandy Snead, 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, conclusions and order:

1. On or about August 29, 2011, Abelardo Sotelo, M.D. (“Applicant”) submitted an initial application for licensure by examination to practice medicine and surgery in the State of Kansas.
2. On or about January 24, 2012, Applicant sent an e-mail request, followed by a faxed request to the licensing department to be licensed by endorsement rather than by examination. Such application was deemed complete and filed with the Board on or about May 11, 2012.

3. Applicant requested the change from licensure by examination to licensure by endorsement due to difficulties in obtaining an official verification of his professional medical school, University of Mexico (Universidad Nacional Autonoma de Mexico), in Mexico City, where he received his Doctor of Medicine degree in 1971. Applicant was able to obtain translated transcripts from 1965 to 1969 and translated copy of his medical diploma, but was unable to obtain an actual verification from the school itself.

4. As set forth in Respondent's Response to Application for Licensure by Endorsement, all of Applicant's postgraduate training was successfully completed and accredited by the Accreditation Council for Graduate Medical Education (ACGME).

5. Applicant presently holds a license to practice medicine and surgery in the State of Arizona, having been issued License No. 24071 on April 19, 1996, which shows his current status as active and unrestricted.

6. Applicant presently holds a license to practice medicine and surgery in the State of Oregon, having been issued License No. MD28938 on January 20, 2009, which shows his current status as locum tenens and no adverse disciplinary history has been reported.

7. K.S.A. 65-2833 states:

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.

8. K.A.R. 100-8-2(e) requires that applicants for endorsement provide a “certified statement in detail of professional education showing healing arts schools or colleges attended, periods of study, degrees obtained and date of graduation.”

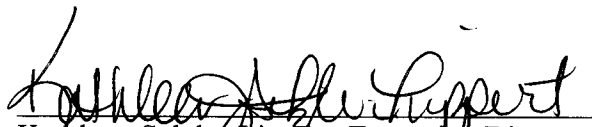
9. The Board finds that Applicant’s prior licensure in other states where proof of professional education was required provides adequate substantiation of his education.

10. The Board finds that Applicant’s licensure in Arizona and Oregon is satisfactory to warrant the issuance of a license by endorsement in Kansas.

11. The Board finds that Applicant has substantially fulfilled the requirements of K.S.A. 65-2833 to be granted a license by endorsement to practice medicine and surgery in the State of Kansas.

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

**IT IS SO ORDERED THIS 18<sup>th</sup> DAY OF JULY, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler Lippert, Executive Director  
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, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER GRANTING LICENSURE BY ENDORSEMENT** was served this 18<sup>th</sup> day of July, 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

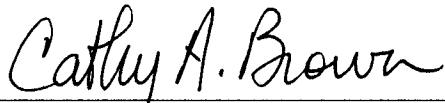
Abelardo Sotelo, M.D.  
CONFIDENTIAL  
Bremerton, WA 98311-8734

And a copy was hand-delivered to the following:

Brandy Snead, 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

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

  
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Cathy Brown, Executive Assistant