

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
FEB 27 2014

CAB

In the Matter of)
FERNANDO ABARZUA CABEZAS, M.D.)
Application for Licensure)
_____)

KS State Board of Healing Arts

KSBHA Docket No. 14-HA00093

FINAL ORDER DENYING LICENSURE

NOW on this 14th day of February, 2014, comes before the Kansas State Board of Healing Arts (“Board”) the application of Fernando Abarzua Cabezas, M.D. (“Applicant”) for a license to practice medicine and surgery in the State of Kansas. Applicant appears via teleconference and through counsel, Mark Stafford of Holbrook & Osborn, P.A. Jessica Bryson, Associate Litigation Counsel, appears on behalf of the 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 evidence admitted, hearing the 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 October 8, 2013, Applicant submitted an application to practice medicine and surgery in the State of Kansas. Such application was complete and filed with the Board on January 15, 2014.
2. Applicant requests licensure by endorsement based on his Connecticut medical license that was issued October 1, 2013.

3. K.S.A. 65-2833 provides discretionary authority to the Board to issue a license by endorsement to an applicant who meets the requirements of the statute.

4. Since becoming licensed in Connecticut, Applicant has practiced medicine in Connecticut in a fellowship position at Hartford Hospital in Hartford, Connecticut.

5. The Board concludes that a fellowship is a training position which does not qualify as “active practice” for the purposes of applying K.S.A. 65-2833.

6. The Board concludes that Applicant does not meet the requirements of K.S.A. 65-2833 in order 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’s application for a license to practice medicine and surgery in the State of Kansas is hereby DENIED.

IT IS SO ORDERED THIS 26 DAY OF FEBRUARY 2014, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzer 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, 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 and correct copy of the above foregoing **FINAL ORDER DENYING LICENSURE** was served this 27th day of February, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Fernando Abarzua Cabezas M.D.
Confidential
Avon, CT 06001

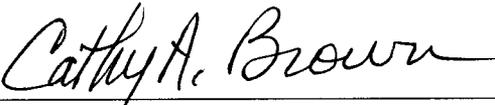
Mark Stafford
107 SW 6th Ave. Suite 210
Topeka, KS 66603
Attorney for Applicant

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

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



Cathy Brown, Executive Assistant