FILED
APR 22 2015
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
NITINRAI PANDYA, M.D.	)	
	)	
	)	**KSBHA Docket No. 10-HA00009**
Kansas License No. 04-34321	)	
	)	

FINAL ORDER DENYING TERMINATION OF MONITORING

NOW on this 10th day of April, 2015, comes before the Kansas State Board of Healing Arts ("Board") the request of Nitinrai Pandya, M.D. ("Licensee") for termination of the monitoring requirement contained in the Consent Order filed on April 20, 2010. Licensee appears in person and *pro se*. Jane Weiler, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to 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 Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving evidence, and being otherwise advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee applied for a license to practice medicine and surgery in Kansas which was filed with the Board on July 22, 2009. Licensee requested a license by endorsement pursuant to K.S.A. 65-2833 based on his previous medical license in India since he had not had any postgraduate training in the United States.

2. A conference hearing on Licensee's application was held before the Board on August 14, 2009. At the hearing, the Board was unable to determine if Licensee had the "necessary skills and qualifications to practice" since all of his postgraduate training had been in

India. The Board continued the hearing so that Licensee could obtain an evaluation of his clinical skills and knowledge at the Center for Personalized Education for Physicians ("CPEP").

3. Confidential

Confidential

4. On April 30, 2010, the Board issued a Final Order which granted Licensee a license to practice medicine and surgery in the State of Kansas. The Final Order contained specific requirements upon the license which included:

a. a requirement to follow CPEP recommendations;

b. a requirement and limitation that Licensee join a group practice and be supervised;

c. a requirement that Licensee's supervisor provide quarterly reports to the Board for one (1) year; and

d. Upon successful completion of the one (1) year monitored practice, Licensee may return to the Board to request release from monitoring. The Board would consider the documentation to determine if the conditions should be lifted or modified.

5. The Board interprets the requirement for group practice and supervision to be limitations on Licensee's license and scope of practice.

6. On or about July 27, 2011, Licensee changed his license designation to Inactive status.

7. On February 6, 2015, Licensee submitted a request to terminate the monitoring clause required by the Final Order.

8. On March 6, 2015, Board counsel filed a Response to Petition for Termination of Monitoring.

9. Licensee has practiced for three (3) years in Wisconsin as an unlicensed person under the supervision and delegation of two (2) licensed physicians in that state.

10. Licensee presented no evidence that he has followed CPEP recommendations and there have been no quarterly reports from his supervising physicians.

11. The Board finds that Licensee has not met the requirements of the Final Order and concludes that termination of the Final Order's requirements is not warranted in the circumstances.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that the Licensee's request to terminate the requirements imposed by the Final Order filed on April 30, 2010, is hereby **DENIED**.

IT IS SO ORDERED THIS 22nd DAY OF APRIL, 2015, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Kathleen Selzler Lippert by KGS
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, 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 Denying Termination of Monitoring** was served this 22nd day of April, 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Nitinrai Pandya, MD
Confidential
Appleton, WI 54913

And a copy was hand-delivered to:

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

Compliance Coordinator
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 A. Brown

Cathy Brown
Executive Assistant