

EFFECTIVE AS A FINAL ORDER

DATE: 8.2.22

FILED
JUL 14 2022

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

KS State Board of Healing Arts

In the Matter of
Kyle A. Strong, RT

)
)
) Docket No. 22-HA00043
)
)

Kansas License No. 16-05478
_____)

PROPOSED DEFAULT ORDER

On July 12, 2022, this matter came before Presiding Officer R. Jerry DeGrado, D.C. on a hearing pursuant to the Kansas Administrative Procedure Act, on whether Kyle A. Strong, R.T.'s ("Licensee") license to practice as a respiratory therapist in Kansas should remain suspended pending litigation on the underlying Petition. Licensee did not appear. Matthew Gaus, Associate Litigation Counsel, appeared on behalf of the disciplinary panel of the Board.

Pursuant to the authority granted to the Board by K.S.A. 65-5501 *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, the Presiding Officer enters this Proposed Default Order in the above-captioned matter.

Upon review of the entire agency record, and being fully advised in the premise, the Presiding Officer holds Licensee in **DEFAULT** for his failure to appear at the July 12, 2022, hearing on the emergency temporary suspension of his license, and Licensee's license to practice respiratory therapy in Kansas remains **SUSPENDED** pending litigation on the underlying Petition, and makes the following determinations:

Facts

1. Licensee's last known mailing address to the Board is: **CONFIDENTIAL**
CONFIDENTIAL His last known email address to the board is **CONFIDENTIAL**
2. Licensee was first issued a license to practice respiratory therapy in Kansas on or about February 10, 2022.
3. On June 9, 2022, a Petition for discipline and a Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings was filed in this matter.
4. On Jun 10, 2022, R. Jerry DeGrado, D.C. was appointed Presiding Officer to conduct proceedings and issue an Order based on Petitioner's Petition and Motion for *Ex Parte* Emergency Order of Suspension and Proceedings.

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5. On June 10, 2022, an Emergency Order of Temporary Suspension was issued on Licensee's license to practice respiratory therapy in Kansas.
6. A hearing on licensee's emergency temporary suspension was noticed for July 12, 2022, to be held virtually.
7. Pursuant to K.S.A. 77-531, Licensee was served with a Notice of Hearing on Emergency Temporary Suspension to Licensee's last known mailing address via United States Mail, on or about June 14, 2022, and via email. The Notice of Hearing on Emergency Temporary Suspension provided Licensee notice that any party who fails to attend or participate in the hearing or other stage of a proceeding may be held in default.
8. Licensee failed to appear at the Conference Hearing held on July 12, 2022.
9. The Presiding Officer finds the facts set forth in the Motion for *Ex Parte* Emergency Order of Suspension, are undisputed by Licensee and are incorporated here by reference.

Conclusions of Law

Pursuant to K.S.A. 77-520, the Presiding Officer holds Licensee in default for his failure to appear at the hearing on the emergency temporary suspension of his license to practice respiratory therapy in Kansas on July 12, 2022.

The Presiding Officer finds there is no other alternative to ensure public safety than for the suspension of Licensee's license to remain in place pending litigation on the underlying Petition for discipline. The Presiding Officer has determined there is reasonable cause to believe grounds exist for disciplinary action under K.S.A. 65-5510, K.S.A. 65-5510(a)(4), K.S.A. 65-5510(a)(2) as further defined by K.A.R. 100-55-5(d), and K.S.A. 65-5510(a)(2) as further defined by K.A.R. 100-55-5-(i). The Presiding Officer also finds the immediate continuation in practice by Licensee would constitute an imminent danger to the public health and safety because **CONFIDENTIAL** **CONFIDENTIAL** and Licensee has failed to controvert any of this to date.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee is hereby held in **DEFAULT** pursuant to K.S.A. 77-520.

IT IS FURTHER ORDERED that Licensee's **SUSPENSION** of his license to practice respiratory therapy in Kansas remains in effect.

IT IS SO ORDERED this 14th day of July 2022.

KANSAS STATE BOARD OF HEALING ARTS



Courtney E. Cyzman, JD #27787 for
Presiding Officer R. Jerry DeGrado, D.C.

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 Susan Gile, Acting 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 2nd day of August 2022 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Kyle A. Strong, R.T.

CONFIDENTIAL

Licensee

A copy was hand delivered to:

Matthew Gaus, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
Matthew.Gaus@ks.gov

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
Matthew.Gaus@ks.gov

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



Staff Signature