



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

**In the Matter of** )  
**ISMAIL ABDULKAREEM, R.T.** )  
 )  
**Kansas License No. 16-02630** )  
\_\_\_\_\_ )

**KSBHA Docket No. 13-HA00029**

**FINAL ORDER GRANTING REINSTATEMENT OF LICENSURE**

**NOW** on this 7<sup>th</sup> day of December 2012, comes before the Kansas State Board of Healing Arts (“Board”) the application of Ismail Abdulkareem, R.T. (“Applicant”) for reinstatement of his license to practice of respiratory therapy in the State of Kansas. Applicant appears in person and *pro se*. Jessica A. Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to Board by the Kansas Respiratory Therapy Practice Act, 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 Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, 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. Applicant was previously licensed to practice respiratory therapy in the State of Kansas, having been issued License No. 16-02630 on approximately September 20, 2000.
2. On about March 31, 2001, Applicant’s license was cancelled for failure to renew.
3. On or about June 18, 2012, Applicant submitted an application for reinstatement of his license to engage in the practice of respiratory therapy in the State of Kansas (“Reinstatement Application”). The Reinstatement Application was deemed complete and filed with the Board on November 7, 2012.

4. On or about November 8, 2012, Associate Litigation Counsel filed a Response in Opposition to Application to Reinstate License to Practice Respiratory Therapy (“Response in Opposition”).

5. Applicant currently maintains an active respiratory therapy license in the State of Missouri with no disciplinary history.

6. In his Reinstatement Application, Applicant disclosed he had been suspended from work for three (3) days in January of 2012 and that his employment later ended in May (of 2012). Applicant also disclosed criminal charges relating to a domestic dispute and violation of city ordinances, with both charges being dismissed.

7. The evidence presented in this matter demonstrates that Applicant had complaints of sexual harassment made against him which initially resulted in a three (3) day suspension and a subsequent termination of his employment from Research Medical Center in Kansas City, Missouri.

8. The Response in Opposition alleges that Applicant has committed violations of the Respiratory Therapy Practice Act which are grounds to deny reinstatement of his respiratory therapy license. Specifically, it is alleged that Applicant’s disclosure regarding his suspension and subsequent “ending” of his job at Research Medical Center constituted misrepresentation and/or concealed material facts about the underlying basis for his termination and that he was actually terminated in violation of K.S.A. 65-5510(a)(1). The Response in Opposition also alleges that the termination of Applicant’s employment due to the sexual harassment complaints constitutes discipline by a medical care facility as defined by K.A.R. 100-55-5(i) and the underlying conduct is “sexual abuse, misconduct or exploitation” which violates K.A.R. 100-55-5(s).

9. As evidence in support of the alleged violations, Associate Litigation Counsel offered documentation from Applicant's personnel file at Research Medical Center which details the sexual harassment complaints, corrective action taken and ultimate termination of employment. (Board Exhibit 1).

10. Applicant submitted responsive correspondence (Applicant Exhibit 4) to the Response in Opposition explaining his original disclosures and his version of the events underlying the sexual harassment complaints. Additionally, Applicant provided a copy of the Missouri Board for Respiratory Care's dismissal of the complaint filed with that agency regarding the harassment allegations in August 7, 2012. (Applicant Exhibit 2).

11. In pertinent part, the applicable statutes and regulations state:

K.S.A. 65-5510 Denial, revocation, limitation or suspension of license or refusal to renew license; unprofessional conduct; discipline; civil fines; procedure; reinstatement. (a) The board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

(1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;

K.A.R. 100-55-5. Unprofessional conduct; defined. "Unprofessional conduct" means any of the following:

...

(i) being sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct that would constitute grounds for denial, refusal to renew, suspension, or revocation of a license under K.S.A. 65-5510 and amendments thereto;

...


(s) committing any act of sexual abuse, misconduct, or exploitation;

12. The Board considers Applicant's explanation of the events and circumstances relating to the sexual harassment allegations and Applicant's explanation of his disclosures in his Reinstatement Application to be of mitigating value.

13. Based on the documentary evidence and testimony presented, the Board concludes that there is insufficient evidence to find that Applicant's conduct rises to the level of constituting unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public as required by K.S.A. 65-5510(a). The Board further concludes that Applicant should be granted reinstatement of his license to practice respiratory therapy in Kansas.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** that Applicant is hereby granted reinstatement of his license to engage in the practice of respiratory therapy in the State of Kansas.

**IT IS SO ORDERED THIS 31<sup>st</sup> DAY OF DECEMBER, 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. 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 and foregoing **FINAL ORDER GRANTING REINSTATEMENT OF LICENSURE** was served this 31<sup>st</sup> day of December, 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

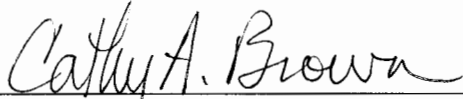
Ismail Abdulkareem, R.T.  
**Confidential**  
Raymore, MO 64083

And a copy was hand-delivered to the following:

Jessica A. 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.

  
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Cathy Brown  
Executive Assistant