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MAY 31 2011

KS State Board of Healing Arts

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

In the Matter of)
Theresa Atkins, RT)
)
Kansas License No. 16-03971)
_____)

KSBHA Docket No. 11-HA00057

JOURNAL ENTRY

COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through its Executive Director, Kathleen Selzler Lippert, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the file and the applicable statutes and otherwise being duly advised in the premises, makes the following determinations:

1. Licensee is presently licensed to engage in the practice of respiratory therapy in the State of Kansas, having been issued License No. 16-03971 on approximately August 20, 2010.

2. Licensee’s last known mailing address as provided to the Board is: 1605 Christine Ct., St Johns, Florida. Licensee’s last known residential address is: *confidential* Overland Park, Kansas 66204.

3. The agency record reflects that on or about January 25, 2011, Petitioner filed a Petition in this matter alleging that Licensee violated the terms of a Consent Order previously entered in KSBHA Docket No. 11-HA00020, and that such violations constitute grounds for discipline under the Kansas Respiratory Therapy Practice Act.

4. The agency record reflects that Licensee was served with a copy of the Petition to Licensee's last known addresses on or about January 29, 2011, by United States Mail, first-class postage prepaid.

5. A Conference Hearing was scheduled for February 15, 2011.

6. Pursuant to K.S.A. 2010 Supp. 77-531, Licensee was served with a Notice of Conference Hearing to Licensee's last known addresses by United States Mail, first-class postage prepaid, on or about February 7, 2011.

7. The Conference Hearing was subsequently continued to April 15, 2011.

8. Licensee was served with an Order of Continuance to Licensee's last known addresses by United States Mail, first-class postage prepaid, on or about March 15, 2011.

9. Licensee was served with a Notice of Conference Hearing to Licensee's last known addresses by United States Mail, first-class postage prepaid, on or about March 22, 2011.

10. The Notice of Conference Hearing provided Licensee notice that any party who fails to attend or participate in the Conference Hearing or other stage of a proceeding may be held in default.

11. Licensee did not appear at the Conference Hearing held on April 15, 2010.

12. Pursuant to K.S.A. 77-516 and K.S.A. 2010 Supp. 77-520, Licensee was in default for her failure to appear at the conference hearing on April 15, 2010. Upon review of the agency record and after being fully advised, the Board found and concluded that the allegations against Licensee, as stated in the Petition, were deemed undisputed.

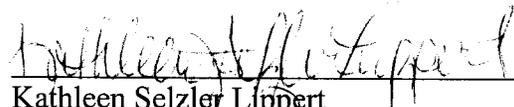
13. On May 3, 2011, a Proposed Default Order was issued against Licensee and copies of the Proposed Default Order were mailed to Licensee's last known addresses by United States Mail, first-class postage prepaid.

14. Pursuant to K.S.A. 2010 Supp. 77-520, the Proposed Default Order notified Licensee that the order would become effective as a Final Order of the Board seven (7) calendar days following service of the order, unless within that seven (7) day period Licensee filed a written motion with the Board requesting that the proposed default order be vacated.

15. Licensee failed to file a Motion to Vacate the Proposed Default Order within the seven (7) day period following service of the order.

16. Pursuant to K.S.A. 77-520 and 77531, the Proposed Default Order became effective as a Final Order on May 16, 2011, and Licensee's license to practice respiratory therapy in the State of Kansas was **REVOKED**.

IT IS SO ORDERED THIS 27 DAY OF May, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:


Kelli J. Stevens, #16032
General Counsel
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **JOURNAL ENTRY** was served this 31st day of May, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Theresa Atkins, RT
confidential
St. Johns, FL 32259

Theresa Atkins, RT
confidential
Overland, Park, KS 66204

And a copy was hand-delivered to the office of:

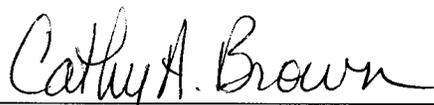
Stacy Bond, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Jennifer Smith, Compliance Coordinator
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:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant

FILED *CAB*

MAY 03 2011

KS State Board of Healing Arts

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

In the Matter of)
Theresa Atkins, RT)

) KSBHA Docket No. 11-HA00057

Kansas License No. 16-03971)
_____)

PROPOSED DEFAULT ORDER
(Pursuant to K.S.A. 77-501 *et seq.*)

NOW on this 15th day of April 2011, comes before the Kansas State Board of Healing Arts (“Board”) the Petitioner’s Petition for disciplinary action which alleges that Theresa Atkins, RT (“Licensee”) failed to comply with the terms of a Consent Order granting her a license to practice respiratory therapy with conditions entered in KSBHA Docket No. 11-HA00020. Stacy Bond, Associate Litigation Counsel, appears for Petitioner. Licensee does not appear.

Pursuant to the authority granted to the 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 Proposed Default Order in the above-captioned matter.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. Licensee is presently licensed to engage in the practice of respiratory therapy in the State of Kansas, having been issued License No. 16-03971 on approximately August 20, 2010.

2. Licensee’s last known mailing address provided to the Board is: 1605 Christine Ct., St Johns, Florida. Licensee’s last known residential address is: confidential Overland Park, Kansas 66204.

3. On or about August 24, 2010, Licensee entered into a Consent Order with the Board in KSBHA Docket No. 11-HA00070 in lieu of conducting formal proceedings and as a condition to being granted licensure. The Consent Order was entered into between Licensee and the Board to resolve concerns confidential which Licensee disclosed on her Application for License. The terms of such Consent Order are hereby incorporated by reference in their entirety.

4. On or about January 25, 2011, Petitioner filed a Petition in this matter alleging that Licensee violated the terms of the Consent Order. The allegations set forth in the Petition are hereby incorporated by reference in their entirety.

5. Licensee was served with a copy of the Petition on or about January 29, 2011, by United States Mail, first-class postage prepaid.

6. A Conference Hearing was scheduled for February 15, 2011.

7. Licensee was served with a Notice of Conference Hearing by United States Mail, first-class postage prepaid, on or about February 7, 2011.

8. The Conference Hearing was continued to April 15, 2011.

9. Licensee was served with an Order of Continuance by United States Mail, first-class postage prepaid, on or about March 15, 2011.

10. Licensee was served with a Notice of Conference Hearing by United States Mail, first-class postage prepaid, on or about March 22, 2011.

11. Licensee is in default by her non-appearance at the scheduled Conference Hearing.

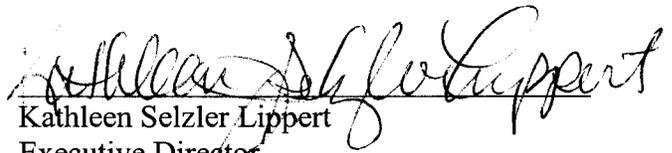
12. The allegations set forth in the Petition dated January 25, 2011 are undisputed.

13. Licensee is in violation of the Consent Order in KSBHA Docket No. 11-HA00020, which is a lawful order of the Board.

14. Pursuant to K.S.A. 65-5510(a)(4), there are grounds to revoke Licensee's license to practice respiratory therapy in Kansas.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's license to practice respiratory therapy in the State of Kansas is hereby **REVOKED**.

IT IS SO ORDERED THIS 3rd **DAY OF** May, 2011, **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 Proposed Default Order. This order will become effective as a Final Order of the Board seven (7) calendar days following service of this order, as indicated in attached the Certificate of Service, unless within that seven (7) day period Licensee files a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. Any such motion must be filed with 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 copy of the foregoing Proposed Default Order was served this 3rd day of May, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Theresa Atkins, RT
confidential
St. Johns, FL 32259

Theresa Atkins, RT
confidential
Overland, Park, KS 66204

And a copy was hand-delivered to the office of:

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

Melissa Massey, Compliance Coordinator
Kansas State Board of Healing Arts
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And the original was filed with the office of:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
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Cathy Brown
Executive Assistant