

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

KS State Board of Healing Arts

In the Matter of)
)
MARK AUSTIN, RT)
Kansas License No. 16-03153)
_____)

Docket No. 08-HA-00022

JOURNAL ENTRY

NOW, on this 9th day of October, 2007, the above-entitled matter comes on before Lawrence T. Buening, Jr., Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations:

1. On August 29, 2007, the Executive Director issued a Summary Order canceling the respiratory therapy license number issued to Mark Austin, RT ("Licensee") for failure to provide documented evidence of completion of a minimum of 12 contact hours of continuing education from and since April 1, 2006. The Summary Order was served on Licensee on August 30, 2007.

2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would become effective as a final order of the Board upon expiration of the time for requesting a hearing.

3. On September 17, 2007, sent legible facsimile copies of certificates of attendance/completion of continuing education totaling five hours that met the requirements for approval under K.A.R. 100-55-7. However, a certificate of completion of a course completed January 1, 2007 and a card issued by the America Heart Association certifying completion of BLS for Healthcare Providers (CPR & AED) did

not meet the criteria for approval under K.A.R. 100-55-7. Other facsimile copies of certificates of attendance/completion that were sent by Licensee on September 17, 2007, were illegible. Therefore, it was determined that Licensee had failed to provide documented evidence of completion of 12 contact hours of continuing education from and since April 1, 2006.

4. On September 18, 2007, a Journal Entry was filed finding that Licensee did not request a hearing by September 17, 2007, and, therefore, the Summary Order became effective as a final order of the Board on September 18, 2007 pursuant to K.S.A. 77-531 and License number 16-03153 issued to Licensee to practice respiratory therapy was cancelled as of that date.

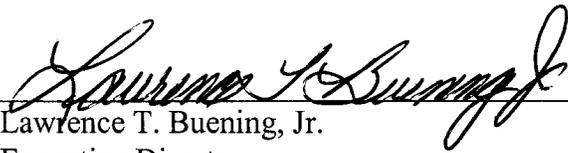
5. On October 1, 2004, Licensee provided legible copies of Certificates of Completion that, together with the legible copies provided by Licensee on September 17, 2007, met the criteria established by K.A.R. 100-55-7 and constituted documented evidence that Licensee had completed a minimum of 12 contact hours of continuing education during the period April 1, 2006 through March 31, 2007.

6. By providing the documented evidence of completion of the required continuing education on October 1, 2007, Licensee has met all of the requirements for renewal of license through March 31, 2008.

IT IS THEREFORE DETERMINED Licensee's license number 16-03153 should be reinstated effective October 1, 2007, and that no further proceedings are necessary.

DATED this 9th day of October, 2007.

KANSAS STATE BOARD OF HEALING ARTS



Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

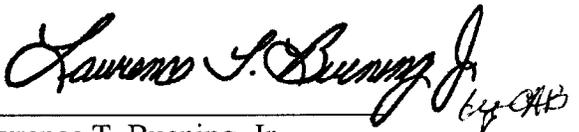
I, do hereby certify that on the 9th day of October, 2007, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Mark Austin
6894 NW K Hwy
Gower, MO 64454

and a copy hand delivered to the office of:

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, KS 66603

and the original filed with the office of the Executive Director.



Lawrence T. Buening, Jr.
Executive Director
(785) 296-3680