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**FILED**

FEB 03 2010

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

**KS State Board of Healing Arts**

**In the Matter of** )  
**JEANNELLE HOPE AVINA, R.T.** )  
 )  
**Kansas License No. 16-03693** )  
\_\_\_\_\_ )

**Docket No. 10-HA00092**

**FINAL ORDER**

**NOW ON THIS** 2<sup>nd</sup> day of February, 2010, the above-entitled matter comes on before Kathleen Selzler Lippert, Interim Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Interim Executive Director makes the following determinations:

1. On December 29, 2010, the Interim Executive Director issued a Summary Order regarding the license of Jeannelle Hope Avina, R.T. ("Licensee") to practice respiratory therapy in the State of Kansas.
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 was requested, the Summary Order would become effective as a Final Order upon expiration of the time for requesting a hearing.
3. No hearing has been requested by any party, therefore the Summary Order became effective as a Final Order on January 19, 2010.
4. Therefore, Licensee is hereby **PUBLICLY CENSURED** for violating K.S.A 65-5510(a)(2) of the Respiratory Therapy Practice Act, as further defined by K.A.R. 100-55-5(i).


**IT IS SO ORDERED.**

**NOTICE OF RIGHTS**

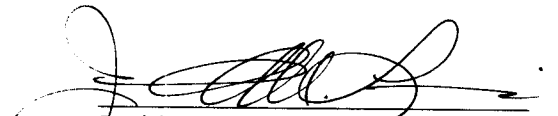
**PLEASE TAKE NOTICE** that this is a Final Order. Pursuant to K.S.A. 77-601 *et seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed pursuant to K.S.A. 77-613(e), the Agency Officer to be served on behalf of the Kansas State Board of Healing Arts is Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603.

**Dated this 2<sup>nd</sup> day of February, 2010.**

Kansas State Board of Healing Arts

  
Kathleen Selzler Lippert  
Interim Executive Director

PREPARED BY:

  
Janith A. Lewis, #18115  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

**CERTIFICATE OF SERVICE**

I certify that the foregoing Final Order was served this 3<sup>rd</sup> day of February, 2010, by depositing the same in the United States Mail, first-class, postage prepaid, to the following:

Jeannelle Hope Avina, R.T.  
1119 Evans Avenue  
St. Charles, Missouri 63301-2412

and copies were hand-delivered to:

Janith A. Lewis  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

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

and the original was filed with:

Kathleen Selzler Lippert  
Interim Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
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KS State Board of Healing Arts

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

**In the Matter of** )  
**JEANNELLE HOPE AVINA, R.T.** )  
 )  
**Kansas License No. 16-03693** )  
\_\_\_\_\_ )

**Docket No. 10-HA 00092**

**SUMMARY ORDER**

**NOW ON THIS** 29<sup>th</sup> day of December 2009, this matter comes before Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts (“Board”), in summary proceedings pursuant to K.S.A 77-537.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

1. Jeannelle Hope Avina, R.T. (“Licensee”) was originally issued license number 16-03693 to practice respiratory therapy in the state of Kansas on October 30, 2008. Licensee’s license expired, on or about May 12, 2009, for failure to renew.
2. Licensee’s last known mailing address, as provided to the Board, is 1119 Evans Avenue, St. Charles, Missouri, 63301-2412.
3. On February 3, 2009, the Board opened an investigation concerning Licensee.

4. Correspondence sent via certified mail, return receipt requested, to Licensee at her last known mailing address, as provided to the Board, was returned to the Board as “unclaimed”.

5. On or about December 31, 2008, Licensee had her privileges suspended by Goodland Regional Medical Center, a medical care facility, (confidential)

(confidential)

6. (confidential)

7. (confidential)

8. The suspension of Licensee's privileges (confidential)

constitutes a violation of **K.S.A 65-5510(a)(2)**, in that

“[t]he 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: (2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board.**”

9. Pursuant to rules and regulations adopted by the board, specifically **K.A.R. 100-55-5(i)**, “**unprofessional conduct means 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.**”
10. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 24 authorized and directed Board counsel to seek resolution of this matter with a public censure.

**IT IS, THEREFORE, ORDERED** that Licensee's license is hereby PUBLICLY CENSURED for violating K.S.A. 65-5510(a)(2) of the Respiratory Therapy Practice Act, as further defined by K.A.R. 100-55-5(i).


**PLEASE TAKE NOTICE** that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a

hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

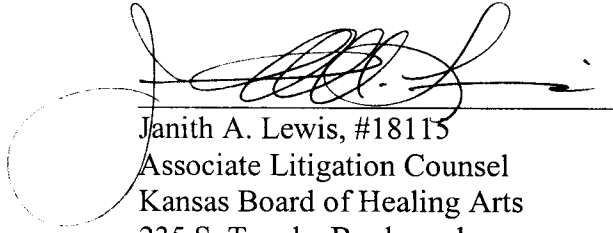
**PLEASE TAKE NOTICE** that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 29<sup>th</sup> day of December 2009.

Kansas State Board of Healing Arts

  
Kathleen Selzler Lippert  
Interim Executive Director

PREPARED BY:

  
Janith A. Lewis, #18115  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068  
785-368-7257

**CERTIFICATE OF SERVICE**

I certify that the foregoing Summary Order was served this 29<sup>th</sup> day of December, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Jeanelle Hope Avina  
1119 Evans Avenue  
St. Charles, Missouri 63301-2412

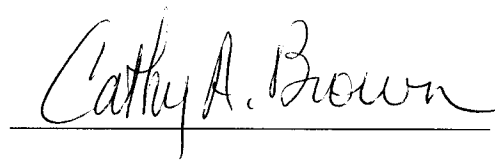
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Katy Lenahan  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

Janith A. Lewis  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

and the original was filed with the office of the Interim Executive Director:

Kathleen Selzler Lippert  
Interim Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
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