

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

FILED FEB 21 2005 Kansas State Board of Healing Arts

In the Matter of)
Timothy C. Ayers, R.T.)
Temporary Permit No. 0426873)
_____)

Docket No. 05-HA-45

FINAL ORDER

NOW ON THIS Twelfth Day of February 2005, this matter comes on for hearing. Respondent Timothy C. Ayers, R.T. appears in person. Kelli J. Benintendi, Associate Counsel, appears for the Board.

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

1. The Board issued Respondent a temporary permit to practice respiratory therapy on June 22, 2004. At that time, Respondent agreed to a consent order requiring Respondent to abstain from consuming alcohol, [REDACTED]

[REDACTED]

2. Since entering into that agreement, Respondent has had two positive urine screens for alcohol.

3. Respondent indicates a desire to continue in recovery.

4. The Board finds that Respondent should continue to hold a temporary permit, subject to the following terms and conditions:

(a) Respondent shall abstain from the consumption or use of alcohol, narcotics, and all other controlled substances, unless prescribed by a licensed physician for a medically necessary purpose and taken pursuant to the directives of a physician.

(b) [REDACTED]

[REDACTED]

[REDACTED]

(c) [REDACTED]

(d) [REDACTED]

(e) [REDACTED]

(f) [REDACTED]

5. Additionally, the Board finds that Respondent should be publicly censured for his violation of the 2004 Consent Order.

IT IS, THEREFORE, ORDERED that Respondent is hereby publicly censured.

IT IS FURTHER ORDERED that Respondent's temporary permit to practice respiratory therapy is hereby limited. Respondent shall not practice respiratory therapy until authorized by the Board. [REDACTED]

[REDACTED]

PLEASE TAKE FURTHER 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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 21st Day of February 2005.

Kansas State Board of Healing Arts

_____/s/_____
Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 21st day of February 2005 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Timothy C. Ayers, R.T.
357 Rutan Street
Wichita, KS 67218

And a copy was hand-delivered to the office of

Kelli J. Benintendi
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

Sheryl Snyder