

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

FILED MAY 05 2005 KS State Board of Healing Arts
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In the Matter of)
TIMOTHY C. AYERS, R.T.)
Temporary Permit No. 0426873)
_____)

Docket No. 05-HA-45

FINAL ORDER

NOW ON THIS 23rd Day of April 2005, this matter comes on for hearing. Respondent Timothy Ayers, R.T. appears in person. Kelli J. Benintendi appears for the Board.

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

1. The Board adopted a consent order in June 2004 allowing Respondent a temporary permit to practice as a respiratory therapist, but conditioning that permit on Respondent abstaining from alcohol.

2. Respondent appeared before the Board on February 12, 2005 in a conference hearing in which the Board alleged that Respondent had tested positive for alcohol. The Board censored Respondent, and ordered that he not practice without further Board order.

3. The Board finds that Respondent has resumed appropriate measures to comply with the Board's order, and that the prohibition on his practice should be terminated.

IT IS, THEREFORE, ORDERED that the Board's order that Timothy C. Ayers, R.T. not practice is hereby terminated. All other orders that existed at the time of this hearing continue to be in effect.

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 4th Day of May 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 5th day of May 2005 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Timothy C. Ayers
357 Rutan Street
Wichita, KS 67218

And a copy was hand-delivered to the office of

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

____Sheryl Snyder_____