

EFFECTIVE AS A FINAL ORDER

DATE: 12/13/2018

FILED **BU**
NOV 28 2018

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

KS State Board of Healing Arts

**In the Matter of
KYLE D. BLEIER, R.T.**

Docket No. 18-HA00057

Kansas License No. 16-04095

PROPOSED DEFAULT ORDER REVOKING LICENSURE

On the 29th day of October, 2018, comes on for hearing before the Kansas State Board of Healing Arts ("Board") the Petition for discipline filed against the respiratory license of Kyle D. Bleier, R.T. ("Licensee"). Susan Gering, Deputy Litigation Counsel and J. Todd Hiatt, Associate Litigation Counsel, appears on behalf of the Respondent Board. Applicant fails to appear.

Pursuant to the authority granted to the Board by K.S.A. 65-5501 *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. After reviewing the agency record, the evidence presented, and hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is or has been entitled to engage in the practice as a respiratory therapist in the State of Kansas, having been issued License No. 16-04095 on or about July 12, 2011. Licensee's current license designation is Suspended.
2. A Petition for discipline was filed on May 29, 2018.
3. Pursuant to K.S.A. 2013 Supp. 77-531, Licensee was served with a Notice of Conference Hearing to Licensee's mailing address via United States Mail, first-class postage

prepared on or about October 1, 2018.

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

5. Licensee failed to appear at the Conference Hearing held on October 29, 2018.

6. Pursuant to K.S.A. 77-516 and K.S.A. 2013 Supp. 77-520, Licensee is in default for his failure to appear at the conference hearing on October 29, 2018.

7. At the Conference Hearing, Deputy Litigation Counsel submitted an Affidavit of Non-Military Service stating that on October 29, 2018, the website of the Director of the Department of Defense Human Resources Defense Manpower Data Center was used to determine that Licensee is not an active member of the military pursuant to the Servicemembers' Civil Relief Act of 2003. The Affidavit was accepted into the record.

8. Upon review of the agency record and after being fully advised in the premises, the Board finds and concludes that the facts and allegations set forth in the Petition are undisputed and incorporated herein by reference.

9. The petition for discipline provides that [REDACTED]

[REDACTED]

[REDACTED] Licensee was terminated from his position.

10. [REDACTED]

[REDACTED]

[REDACTED]

11. On May 14, 2018, [REDACTED]

12. On May 23, 2018, [REDACTED]

13. On June 6, 2018, [REDACTED]

[REDACTED]

[REDACTED]

14. The Board concludes that Licensee has violated K.S.A. 65-5510(a)(2) having committed an act or acts of unprofessional conduct and/or dishonorable conduct, to wit: is

[REDACTED]

15. The Board concludes that Licensee has violated K.S.A. 65-5510(a)(2) having committed an act or acts of unprofessional conduct and/or dishonorable conduct, to wit: has practiced respiratory therapy with reasonable skill and safety [REDACTED]

[REDACTED]

[REDACTED]

16. The Board concludes that Licensee has violated K.S.A. 65-5510(a)(2) having committed an act or acts of unprofessional conduct and/or dishonorable conduct, to wit: being sanctioned or disciplined by a peer review committee or medical facility for acts or conduct that would constitute grounds denial refusal to renew, suspension, or revocation of a license under K.S.A. 65-5510 and amendments thereto as set forth in K.A.R. 100-55-5(i).

17. The Board concludes that Licensee has violated K.S.A. 65-5510(a)(2) having committed an act or acts of unprofessional conduct and/or dishonorable conduct, to wit: committing conduct likely to deceive, defraud or harm the public as set forth in K.A.R. 100-55-5(q).

18. The Board concludes that Licensee has violated K.S.A. 65-5510(a)(4), in that

Licensee has violated a lawful order or rule and regulation of the board and that Licensee violated a provision of K.S.A. 65-5510(a)(5).


19. Based on the undisputed allegations set forth in the Petition and evidence in the agency record, the Board concludes that revocation of Licensee's license is warranted in the circumstances.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee is hereby held in **DEFAULT** pursuant to K.S.A. 77-520.

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

IT IS SO ORDERED THIS 28TH DAY OF NOVEMBER, 2018, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Seizler Lippert, Executive Director
Kansas State Board of Healing Arts

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE 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 Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 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 **FINAL ORDER REVOKING LICENSURE** was served this 13th day of December, 2018 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Kyle Bleier, RT
1300 E. 5th
Winfield, KS 67156

Kyle Bleier, RT
[REDACTED]
Kechi, KS 67067

And a copy was hand-delivered to:

Susan Gering, Deputy Litigation Counsel
J. Todd Hiatt, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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 the Executive Director.



Beth Visoesky, Operations Manager