

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED *CAB*

DEC 0 9 2009

KS State Board of Healing Arts

In the Matter of)
)
)
Susan M Barbec, RT)
Kansas License No. 16-02972)
_____)

Docket No. 10-HA00043

**FINAL ORDER AND JOURNAL ENTRY OF SATISFACTION
OF REQUIREMENTS OF FINAL ORDER**

NOW ON THIS 4th day of ~~October~~ ^{December}, 2009, the above-entitled matter comes on before Kathleen Selzler Lippert, Interim Executive Director of the Kansas State Board of Healing Arts ("Board"). After reviewing the file and being duly advised in the premises, the Interim Executive Director makes the following determinations.

1. On October 2, 2009, the Executive Director issued a Summary Order regarding the license of Susan M Barbec, R.T. ("Licensee") to practice as a respiratory therapist in the state of Kansas. The Summary Order contained a provision assessing a \$100 civil fine against Licensee for failure to have met the continuing education requirement at the time of renewal, due and payable within thirty (30) days of the effective date of the Summary Order.

2. On October 2, 2009, the Executive Director issued a Summary Order regarding the license of Susan M Barbec, R.T. ("Licensee") to practice as a respiratory therapist in the state of Kansas. The Summary Order contained a provision requiring Licensee to provide proof of 4 additional hours of continuing education for failure to have met the continuing education requirement at the time of renewal, due within ninety (90) days of the effective date of the Summary Order.

3. 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

be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

4. No hearing has been requested by any party; therefore the Summary Order became effective as a Final Order on October 20, 2009.

5. On October 6, 2009, Licensee remitted \$100.00 to the Board for satisfaction of the \$100 civil fine.

6. On October 6, 2009, Licensee remitted proof of 4 hours of continuing education to the Board for satisfaction of double continuing education.

7. Licensee has satisfied all requirements of the Final Order and has no further obligation for compliance.

IT IS THEREFORE ORDERED that Licensee is hereby discharged from the requirements of the Final Order.

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 17th day of December ~~November~~ 2009.

KANSAS BOARD OF HEALING ARTS



Kathleen Selzler Lippert
Interim Executive Director

12-4-09

Date

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing **Final Order and Journal Entry of Satisfaction** was served on the 07th day of ~~November~~, 2009 by United States mail, first-class postage pre-paid and addressed to: December

Susan M Barbec RT
1605 Stewart Ct
Manhattan, KS 66502

and a copy was hand-delivered to:

Kelli Stevens
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065

and the original was hand-delivered for filing with the office of the Interim Executive Director:

Kathleen Selzler Lippert
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Cathy Brown
Executive Assistant

FILED *CAB*

OCT 02 2009

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
)
Susan M Brabec, RT)
License No. 16-02972)
_____)

Docket Number: 10-HA00043

SUMMARY ORDER

NOW ON THIS 2nd day of October, 2009, this matter comes before Jack Confer, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

After reviewing 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. Susan M Brabec, RT ("Licensee") was originally issued license number 16-02972 to practice as a respiratory therapist in the State of Kansas on September 15, 2003.
2. On or about February 20, 2009, Licensee submitted an application for renewal of their license.
3. Pursuant to K.S.A. 65-5512 and K.A.R. 100-55-7 each Licensee desiring to renew a respiratory therapy license must have completed at least 12 credits of continuing education and to provide proof of completion to the Board upon request
4. As part of the renewal process, Licensee certified that the rules regarding continuing education had been read, that compliance had been achieved, and that documentation of the continuing education would be maintained for a three-year period and produced to the Board upon request.

5. Licensee was randomly selected to provide verification of compliance with the continuing education requirements and on June 16, 2009, a letter was mailed to Licensee requesting that Licensee provide no later than July 20, 2009, the records relied upon when Licensee certified achievement of the required continuing education.

6. Licensee submitted a certificate for "Heartcode ACLS" on June 24, 2009.

7. Licensee was sent a letter by the Board of June 24, 2009 requesting outlines, objectives and time lines for "Heartcode ACLS".

8. Licensee and Board were notified by the CEU Evaluator that this course was not approved on July 15, 2009.

9. A second letter requesting proof of continuing education by August 7, 2009 was sent to licensee on July 21, 2009 by certified mail through the United States Postal Service.

10. The second request letter was signed for by the licensee on July 27, 2009.

11. Licensee submitted 9 hours of continuing education on July 29, 2009.

12. Licensee submitted proof of 9 hours of the required 12 hours, so license is short a total of 3 hours of continuing education.

13. Licensee submitted 2 hours of continuing education on July 29, 2009 toward the required double hour that she was short.

14. Licensee failed to provide documented evidence of continuing education by the due date.

15. By failing to provide documented evidence of her continuing education, Licensee has violated K.S.A. 65-5510(a)(4), violating any lawful order or rule and regulation of the board, specifically K.A.R. 100-55-5(h) failing to furnish to the Board, or to its investigators or representatives, any information legally requested by the Board.

16. In addition to any other penalty prescribed under the Respiratory Therapy Practice Act, K.S.A. 65-5510 authorizes the Board to assess an administrative fine in an amount not exceeding \$5,000 for the first violation of the Respiratory Therapy Practice Act.

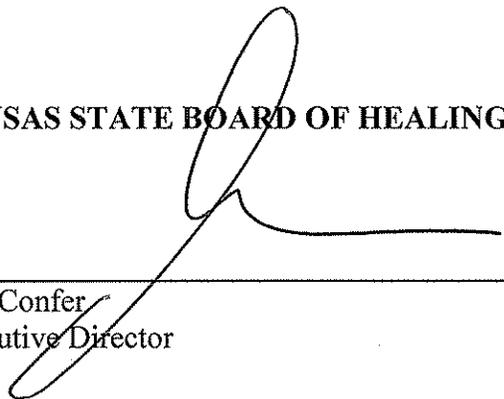
IT IS, THEREFORE, ORDERED that the license of Licensee be assessed a civil fine in the amount of \$100, payable within thirty days of the effective date of this order, for failure to have met the continuing education requirement at the time of renewal.

IT IS FURTHER ORDERED that licensee shall provide documentation of completion of 4 hours continuing education hours within 90 days of the effective date of this order

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 within 15 days following service of the summary 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 request for a hearing must be addressed to Jack Confer, Executive Director, 235 South Topeka Boulevard, Topeka, Kansas 66603.

DATED this 2nd day of October, 2009.

KANSAS STATE BOARD OF HEALING ARTS



Jack Confer
Executive Director

CERTIFICATE OF SERVICE

I, do hereby certify that on the 2nd day of ~~September~~ October, 2009, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Susan Barbec RT
1605 Stewart Ct
Manhattan, KS 66502

and a copy hand delivered to the office of:

Kathleen Selzler Lippert
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

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



Cathy Brown
Executive Assistant