

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of )
DEBRA M. BURTON, L.R.T. )
)
Kansas License No. 22-01680 )
\_\_\_\_\_ )

KSBHA Docket No. 13-HA00036

JOURNAL ENTRY OF FINAL ORDER

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through its Executive Director, Kathleen Selzler Lippert, a duly authorized representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 et seq., as amended, and upon due consideration of the agency record and applicable laws and being otherwise duly advised in the premises, makes the following determinations:

- 1. Debra M. Burton, L.R.T. ("Licensee") has, since approximately November 08, 2005, maintained License No. 22-01680 to practice radiologic technology in the State of Kansas.
2. Licensee's mailing addresses of record to the Board is: 110 S. Frank, P.O. Box 267, Holyrood, Kansas 67450.
3. On or about January 4, 2013, Executive Director Selzler Lippert, in accordance with K.S.A. 77-514, and as authorized by K.S.A. 65-7301, et seq., issued a Summary Order publicly censuring Licensee's license to practice as an radiologic technologist in the State of Kansas for violating the Radiologic Technologists Practice Act and regulations promulgated thereunder, specifically K.S.A. 65-7313(a)(8), further defined by K.A.R. 100-73-6(k), for continuing to practice radiologic technology procedures on humans for diagnostic or therapeutic purposes after her license had expired as prohibited by K.S.A. 65-7303; and K.S.A. 65-7313(a)(8), as further defined by K.A.R. 100-73-6(d), for being suspended by a medical care

facility for letting her license to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes expire.

4. Pursuant to K.S.A. 77-542, the Summary Order notified Licensee that if a written request for hearing was not filed within 15 days following service of the Summary Order, the Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.

5. Pursuant to K.S.A. 77-531, the Summary Order was served upon Licensee by mailing a copy of the Summary Order to Licensee at Licensee's last known mailing address of record, via United States Mail, first-class postage prepaid.

6. Pursuant to K.S.A. 77-512, 77-526, and 77-530, the Summary Order became effective as a Final Order on January 22, 2013.

7. As of the date of filing of this Journal Entry, Licensee has not requested a hearing on the Summary Order.

**IT IS THEREFORE ORDERED** that the Summary Order filed in the above-captioned matter on January 4, 2013, became effective as Final Order on January 22, 2013.

**IT IS FURTHER ORDERED** that Licensee's license to practice as an radiologic technologist in the State of Kansas is hereby **PUBLICLY CENSURED** as provided in the January 4, 2013 Summary Order.

**IT IS SO ENTERED THIS** 24<sup>th</sup> **DAY OF JANUARY, 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

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

**CERTIFICATE OF SERVICE**

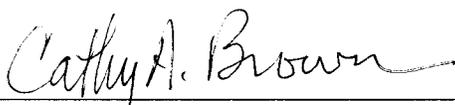
I, the undersigned, hereby certify that on this 29<sup>th</sup> day of January, 2013, a true and correct copy of the above and foregoing **JOURNAL ENTRY OF FINAL ORDER** was deposited in the United States mail, postage prepaid, and addressed to:

Debra M. Burton, L.R.T.  
110 S. Frank  
P.O. Box 267  
Holyrood, KS 67450

and a copy was hand delivered to:

Reese H. Hays, Litigation Counsel  
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.

  
\_\_\_\_\_  
Cathy Brown, Executive Assistant

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JAN 04 2013  
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BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of )  
DEBRA M. BURTON, L.R.T. )  
 )  
Kansas License No. 22-01680 )  
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Docket No. 13-HA 00036

**SUMMARY ORDER**

NOW ON THIS 3<sup>rd</sup> day of Jan., 2013, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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:

**Findings of Fact**

1. On November 8, 2005, Debra M. Burton L.R.T. (Licensee) was issued license number 22-01680 to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes.
2. Licensee's last known mailing address as provided to the Board is 110 S. Frank, P.O. Box 267, Holyrood, KS 67450.
3. An investigation was initiated when the Board received a complaint alleging Licensee let her license to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes expire.

4. Licensee was sent a renewal notice on or about August 12, 2011.
5. Licensee failed to renew her license by September 30, 2011. Licensee's License expired on September 30, 2011.
6. Licensee was sent a second notice on October 4, 2011.
7. Licensee's license was cancelled on November 1, 2011.
8. Licensee realized on November 16, 2011, that her license had expired and immediately reported her license status to her supervisor that same day.
9. Licensee was suspended for two (2) days by her employer, Ellsworth County Medical Center, for failing to renew her license.
10. When Licensee returned from that suspension, she was only allowed to work as a Radiology Assistant until her license was reinstated on December 1, 2011.
11. All of Licensee's exams performed between September 30, 2011, and December 1, 2011, were reviewed for diagnostic quality.
12. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel #27. Disciplinary Panel #27 authorized and directed the issuance of this Summary Order and the specific sanctions pursuant to the Board Guidelines.

### Applicable Law

13. K.S.A. 65-7303 states in pertinent part:
- (a) On or after October 1, 2005, except as otherwise provided in this act, no person shall perform radiologic technology procedures on humans for diagnostic or therapeutic purposes unless the person possesses a valid license issued under this act.
  - (c) No person shall depict one's self orally or in writing, expressly or by implication, as holder of a license who does not hold a current license under this act.
14. K.S.A. 65-7307 states in pertinent part:
- (a) Licenses issued under this act shall expire on the date of expiration established by rules and regulations of the board unless renewed in the manner prescribed by the board. The request for the renewal shall be accompanied by the license renewal fee established pursuant to K.S.A. 65-7308, and amendments thereto.
  - (b) At least 30 days before the expiration of a licensee's license, the board shall notify the licensee of the expiration by mail addressed to the licensee's last mailing address as noted upon the office records. If the licensee fails to submit an application for renewal on a form provided by the board, or fails to pay the renewal fee by the date of expiration, the board shall give a second notice to the licensee that the license has expired and the license may be renewed only if the application for renewal, the period following the date of expiration and that if both fees are not received within the thirty-day period the license shall be deemed canceled by operation of law and without further proceedings.
15. K.S.A. 65-7313 states in pertinent part:
- (a) The license of a radiologic technologist may be limited, suspended or revoked, or the licensee may be censured, reprimanded, fined pursuant to K.S.A. 65-2863a, and amendments thereto, or otherwise sanctioned by the board or an application for licensure may be denied if it is found that the licensee or applicant:
    - (8) has been found guilty of unprofessional conduct under criteria which the board may establish by rules and regulations.
16. K.A.R. 100-73-6 states in pertinent part:
- "Unprofessional conduct" shall mean the commission of any of the following by an applicant or a licensee:

(d) being sanctioned or disciplined by a peer review committee, or a medical care facility for acts or conduct that would constitute grounds for denial, limitation, suspension, or revocation of a license under K.S.A. 65-7313 and amendments thereto.

(k) violating any provision of these regulations or any provision of the radiologic technologist practice act and amendments thereto.

### **Conclusions of Law**

17. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

18. The Board finds that Licensee violated K.S.A. 65-7313(a)(8), as further defined by K.A.R. 100-73-6(k) by continuing to practice radiologic technology procedures on humans for diagnostic or therapeutic purposes after her license had expired as prohibited by K.S.A. 65-7303.

19. The Board also finds that Licensee violated K.S.A. 65-7313(a)(8), further defined by K.A.R. 100-73-6(d), by being suspended by Ellsworth County Medical Center for letting her license to perform radiologic technology procedures on humans for diagnostic or therapeutic purposes expire.

20. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Debra M. Burton, L.R.T..

**IT IS, THEREFORE, ORDERED** that: Licensee is hereby **PUBLICLY CENSURED**.

**NOTICE AND OPPORTUNITY FOR HEARING**

**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, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson Lower Level, Suite A, Topeka, KS 66612.

**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 3<sup>rd</sup> day of Jan, 2013.

Kansas State Board of Healing Arts

  
Kathleen Selzler Lippert  
Executive Director

**Certificate of Service**

I certify that the foregoing Summary Order was served this 4<sup>th</sup> day of January, 2013, by depositing the same in the United States Mail, via certified mail, postage prepaid, and addressed to:

Debra M. Burton, L.R.T.  
110 S. Frank  
P.O. Box 267  
Holyrood, KS 67450

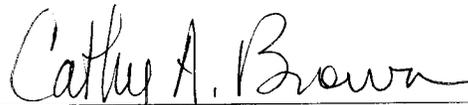
and a copy was hand-delivered to:

Katy Lenahan  
Licensing Administrator  
Kansas State Board of Healing Arts  
800 SW Jackson Lower Level, Suite A  
Topeka, KS 66612

Reese H. Hays  
Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson Lower Level, Suite A  
Topeka, KS 66612

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

Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson Lower Level, Suite A  
Topeka, KS 66612



Cathy Brown  
Executive Assistant