

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED *CAB*

JUN 06 2008

KS State Board of Healing Arts

In the Matter of)
Kimberly C. Carlyle, LRT)
)
Kansas License No. 22-02116)
_____)

Docket No. 08-HA00086

PROPOSED DEFAULT ORDER

NOW ON THIS 5th day of June, 2008, this matter comes on for hearing. Dan Riley, Associate Counsel, appears in person for the Kansas State Board of Healing Arts ("Board"). Licensee does not appear.

After reviewing the file, hearing the statement of Mr. Riley, and being otherwise duly advised in the premises, the Presiding Officer finds, concludes and orders as follows:

1. Licensee was originally issued license number 22-02116 to practice radiological technology procedures in the state of Kansas on December 8, 2005.
2. Licensee's license was cancelled on November 1, 2006 when she failed to timely renew.
3. Licensee's license was reinstated March 26, 2007.
4. Licensee practiced with a cancelled license for about 144 days.
5. A Petition seeking the issuance of a \$1,000 fine against Licensee was filed with the Board on January 8, 2008.
6. On May 21, 2008, Licensee was served with an "Appointment of Presiding Officer and Notice of Hearing," notifying her that a conference hearing would be held on Petitioner's Petition at 8:00 a.m. on June 5, 2008. The notice was mailed to Licensee's last known mailing address.

7. The Notice of Hearing instructed Licensee to contact the Board with a telephone number of where she could be reached for the hearing. Licensee did not contact the Board with a telephone number as instructed in the Notice of Hearing.

8. All reasonable attempts were made to contact Licensee at the time of the hearing, but to no avail.

9. The Board admits Licensee's reinstatement application into evidence as Exhibit A.

10. The allegations in the Petition are considered uncontroverted and are deemed to be true.

11. Pursuant to K.S.A. 65-7313(a)(8), a Licensee's license may be fined pursuant to K.S.A. 65-2863a for unprofessional conduct. Unprofessional conduct is further defined by K.A.R. 100-73-6(k) as violating any provision of the radiologic technologist practice act.

12. Licensee committed unprofessional conduct by violating the radiologic practice act, specifically K.S.A. 65-7303(a) by practicing radiologic technology procedures without a valid license.

13. Consistent with the Board's Policy Statement No. 04-01 as revised on April 25, 2008, Licensee should be fined \$250.00.

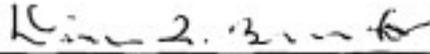
IT IS ORDERED that Kimberly C. Carlyle, LRT is fined in the amount of \$250.00. This fine shall be paid on or before July 15, 2008.

PLEASE TAKE NOTICE that this is a Proposed Default Order. A party may file a motion to vacate a Proposed Default Order within seven (7) days following service of the proposed order. Any such motion must be filed with the Executive Director at 235 S. Topeka Boulevard, Topeka, Kansas 66603. A Proposed Default Order becomes

effective as a final agency order after the expiration of the time within which the party may file a written motion to vacate the Proposed Default Order.

Dated this 6th day of June, 2008.

Kansas State Board of Healing Arts



Vinton K. Arnett, D.C.
Presiding Officer

Certificate of Service

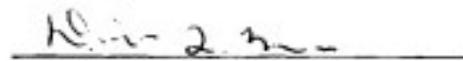
I certify that the foregoing Proposed Default Order was served this 6th day of June, 2008, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Kimberly C. Carlyle, LRT
5833 S. Rock Road
Derby, Kansas 67037

and a copy was hand-delivered to:

Dan Riley
Associate Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

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



Diane L. Bellquist

FILED *UAB*

JUN 27 2008

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

KS State Board of Healing Arts

In the Matter of)
Kimberly C. Carlyle, LRT)
)
Kansas License No. 22-02116)
_____)

Docket No. 08-HA00086

JOURNAL ENTRY

NOW, on this *22nd* day of June, 2008, the above-entitled matter comes on before Lawrence T. Buening, Jr., Executive Director of the Kansas State Board of Healing Arts ("Board"). After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations:

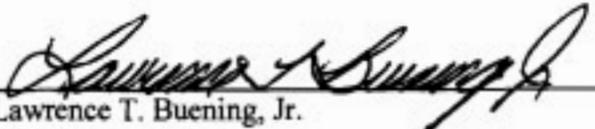
1. On January 8, 2008, a Petition was filed against Kimberly Carlyle, LRT ("Licensee").
2. On May 21, 2008, an Appointment of Presiding Officer and Notice of Hearing was mailed notifying Licensee that a conference hearing would be held on the Petition on June 5, 2008 at 8:00 a.m. or as soon thereafter as could be heard. The pleading was mailed to Licensee's last known mailing address.
3. Licensee failed to attend the hearing and the Board issued a proposed Default Order which was filed on June 6, 2008 and served on all parties on that date.
4. K.S.A. 77-520(b) provides that the Proposed Default Order contain a notice that within seven days after service, the party against whom a proposed default order is issued may file a written motion requesting that the proposed default order be vacated.
5. K.S.A. 77-520(c) provides that the Proposed Default Order contain a notice that a proposed default order shall become effective after expiration of the time within which a party may file a written motion requesting that the proposed default order be vacated unless a written

motion to vacate the order is filed within such time.

6. Licensee has not filed a written motion to vacate the Proposed Default Order and, therefore, the Proposed Default Order became effective as an order of the Board on June 20, 2008.

DATED this 27th day of June, 2008.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

I, hereby certify that on the 30th day of June 2008, a true and correct copy of the above and foregoing **Journal Entry** was deposited in the United States mail, first class postage prepaid to the following:

Kimberly C. Carlyle, LRT
5833 S. Rock Road
Derby, Kansas 67037

and a copy was hand-delivered to:

Dan Riley
Associate Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

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


Lawrence T. Buening, Jr.