

FILED

APR 26 2013

KS State Board of Healing Arts

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

In the Matter of)
MALLORY CASTANEDA, R.T.)
)
Kansas License No.: 16-04058)
_____)

KSBHA Docket No. 11-HA00065

FINAL ORDER TERMINATING MONITORING REQUIREMENTS

NOW on this 12th day of April 2013, comes before the Kansas State Board of Healing Arts ("Board") the request of Mallory Castaneda, R.T. ("Licensee") for termination of the monitoring requirements set forth in Consent Order. Licensee appears in person and pro se. Jane E. Weiler, Associate Litigation Counsel, appears on behalf of the Respondent Board.

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 Final Order in the above-captioned matter. After reviewing the file, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and orders:

1. Mallory Castaneda, R.T. ("Licensee"), is licensed to engage in the practice of respiratory therapy in the State of Kansas, License No. 16-04058, and has been so licensed since approximately April 15, 2011.

2. On or about February 28, 2011, Licensee entered into a Consent Order with the Board to resolve concerns regarding Licensee's disclosure of a driving while under the influence arrest on her initial application for licensure in the State of Kansas.

3. **Confidential**

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4. The monitoring requirements were not self-terminating. The terms of the Consent Order allowed Licensee to request the Board for modification or termination of the requirements after a one (1) year monitoring period.

5. Confidential

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6. On February 24, 2012, Licensee appeared before the Board to address the issue of violating her Consent Order Confidential The Board found that the violation of the Board order constituted conduct likely to endanger the health, welfare, or safety of the public.

7. The Board issued a Final Order on or about March 12, 2012, extending Licensee's monitoring requirements one additional year to assure Licensee's safety to practice.

8. All subsequent reports concerning Licensee's compliance Confidential Confidential submitted to the Board indicated Licensee was in compliance with the requirements of the program.

9. On or about January 11, 2013, Licensee submitted a request to the Board for termination of the monitoring requirements imposed by the Consent Order.

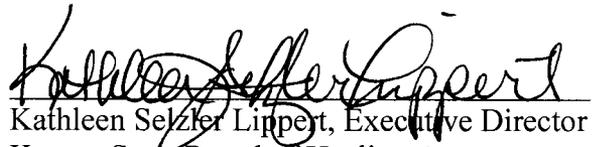
10. On March 18, 2013, the Respondent Board filed a Response to Licensee's request.

11. Upon review of the evidence presented, the Board determined that Licensee has satisfactorily met all monitoring requirements of the Consent Order sufficient to warrant termination, and has no further obligation for compliance.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS, that Licensee has satisfied all terms and conditions of the Consent Order and that Licensee's request to terminate the monitoring requirements imposed by the Consent Order is hereby granted.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 26 DAY OF APRIL, 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


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

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER TERMINATING MONITORING REQUIREMENTS** was served this 7th day of April 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Mallorey Castaneda, R.T.
Confidential
Wichita, KS 67204

And a copy was hand-delivered to the following:

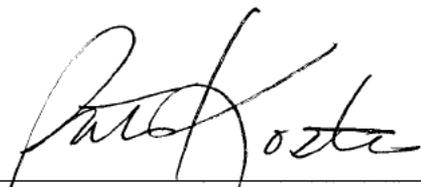
Jane E. Weiler, Associate Litigation Counsel
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Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
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The original was filed with the office of:

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

for 
Cathy Brown, Executive Assistant