

**FILED** 

**AUG 23 2013**

**KS State Board of Healing Arts**

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

**In the Matter of** )  
**ASHLEY (COFFMAN) MARKLEY,** )  
 )  
**Application for Licensure as an L.R.T.** )  
\_\_\_\_\_ )

**KSBHA Docket No. 13-HA00052**

**FINAL ORDER DENYING APPLICATION FOR LICENSURE**

**NOW** on this 9th day of August, 2013, comes before the Kansas State Board of Healing Arts (“Board”) the application of Ashely (Coffman) Markley (“Applicant”) for a license to practice radiologic technology in the State of Kansas. Licensee appears in person and through counsel, Trey Meyer. Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-7301 *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 agency record, 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. On or about October 31, 2012, Applicant submitted an application for a license to practice radiologic technology in the State of Kansas. Such application was complete and filed with the Board on March 14, 2013.

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2. On March 14, 2013, Associate Litigation Counsel filed a Response in Opposition to Application for License to Practice Radiologic Technology (“Response in Opposition”) alleging that Applicant engaged in unprofessional conduct and engaged in the unlicensed practice of radiologic technology in violation of the Kansas radiologic technologists practice act.

3. This matter was originally noticed for a conference hearing for April 12, 2013. At Applicant’s request, the hearing was continued to August 9, 2013.

4. The Board finds that the material facts alleged in this matter are not in dispute.

5. Applicant was dismissed from Washburn University’s Diagnostic Medical Sonography Program in March of 2012, due to Applicant’s falsification of clinical hours and employee initials on her academic clinical timesheets.

6. In her application materials, Applicant initially explained the events surrounding her dismissal from Washburn University by stating that she was going “somewhere else” rather than the clinical site designated as part of her academic program. Applicant’s statements in her application materials implied that applicant had still completed clinical work for academic credit, just not at the designated site. In fact, during the timeframe that Applicant was falsifying her timesheets, Applicant did not perform any clinical work for academic credit. Instead, Applicant was working as a PRN radiologic technologist at Lawrence Memorial Hospital.

7. The Board concludes that Applicant committed misrepresentation in her licensure application about the conduct which led to Applicant’s dismissal from Washburn University.

8. Applicant disclosed in her application that she worked as a PRN radiologic technologist at Lawrence Memorial Hospital in Kansas from December of 2010 to April of 2012. Such practice is presumed to be exempt from requiring licensure pursuant to K.S.A. 65-7304(f).

9. Applicant further disclosed in her application that she practiced as a radiologic technologist for Mobile Medical Services in Topeka, Kansas from May of 2012 to the time of her application for licensure. Applicant's practice was not supervised by a physician.

10. Applicant's practice at Mobile Medical Services was not supervised by a "licensed practitioner" to exempt such practice from requiring licensure pursuant to K.S.A. 65-7304(f).

11. Applicant's misrepresentation in her application for licensure about the conduct underlying her dismissal from Washburn University constitutes fraud or deceit in the procurement of a license in violation of K.S.A. 65-7313(a)(1).

12. Applicant's falsification of information in her academic clinical timesheets constitutes conduct likely to deceive, defraud or harm the public in violation of K.A.R. 100-73-6(h), which is unprofessional conduct under K.S.A. 65-7313(a)(8).

13. Applicant's practice of radiologic technology at Mobile Medical Services constituted the unauthorized practice of radiologic technology in violation of K.S.A. 65-6703(a).

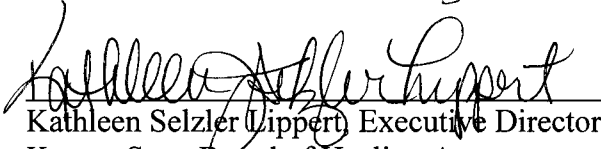
14. By practicing unauthorized radiologic technology in violation of K.S.A. 65-6703(a) which is a provision of the Kansas radiologic technologists practice act, Applicant further violated K.A.R. 100-73-6(k), which is unprofessional conduct under K.S.A. 65-7313(a)(8).

15. Applicant's violations of the Kansas radiologic technologists practice act are grounds for denial of her application for licensure.

16. The Board concludes that Applicant's falsification of clinical timesheets while in the Washburn University Diagnostic Sonography Program, coupled with the misrepresentation to the Board in her application and unauthorized practice, establish that Applicant does not warrant the public trust to practice as a licensed radiologic technologist. Applicant's expression of remorse for her conduct and willingness to have a limited license with reporting requirements do not adequately address the egregious and pervasive nature of her actions.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** that Applicant's application for a license to practice radiologic technology in the State of Kansas is hereby **DENIED**.

**IT IS SO ORDERED THIS** 23<sup>rd</sup> **DAY OF** Aug **2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler 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, 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 and correct copy of the above foregoing **FINAL ORDER DENYING APPLICATION FOR LICENSURE** was served this 23<sup>rd</sup> day of Aug., 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Ashley (Coffman) Markley  
PO Box 175  
Eudora, KS 66025

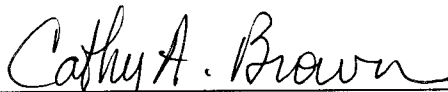
Trey Meyer  
Law Office of Trey Meyer, LLC  
843 New Hampshire Street  
Lawrence, KS 66044  
*Attorney for Applicant*

And a copy was hand-delivered to:

Jessica Bryson, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Katy Lenahan, 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.

  
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Cathy Brown, Executive Assistant