**EFFECTIVE AS A FINAL ORDER**

**DATE:** 9.17.19

FILED
AUG 26 2019
KS State Board of Healing Arts

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

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| **In the Matter of** | ) | |
| | ) | **KSBHA Docket No. 20-HA** 00015 |
| **Lakin Cook, L.R.T.** | ) | |
| **Application for License to Practice as a** | ) | |
| **Radiologic Technologist** | ) | |
| | ) | |

## SUMMARY ORDER

**NOW ON THIS** 26th day of August, 2019, 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. Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service. 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 or about June 3, 2019 Lakin Cook, L.R.T. ("Applicant") applied for a temporary license to practice as a radiologic technologist in Kansas.

2. Applicant's last known mailing address to the Board is CONFIDENTIAL

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3. In her application Applicant stated she had been employed as a radiologic technologist by AFC Urgent Care, located in Wichita, KS as a radiologic technologist from August 2018 to June 2019, although she was unlicensed.

4. AFC Urgent Care is not designated by the Kansas Department of Health and Environment ("KDHE") as a hospital licensed pursuant to K.S.A. 65-425 *et seq*.

5. Applicant provided the Board with the name of a supervising physician, but that physician had not indicated to the board she supervised unlicensed LRTs. Applicant was given the opportunity to show her supervision complied with statutory and regulatory rules but was unable to do so.

6. According to information provided by Applicant, Applicant had practiced without a license for approximately ten months.

**Applicable Law**

7. K.S.A. 65-7303(a) "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."

8. Further, K.S.A. 65-7303(d)(1) states "[o]nly persons licensed under this act as a radiologic technologist shall be entitled to use the title 'radiologic technologist.'"

9. AFC Urgent Care is not designated as a hospital licensed pursuant to K.S.A. 65-425 *et seq.* Applicant does not fall under the exception set forth in K.S.A. 65-7304(f) allowing an unlicensed radiologic technologist practicing at a hospital to be supervised by any person; rather, an unlicensed radiologic technologist in a non-hospital setting must be supervised by a "licensed practitioner," defined as "a person licensed to practice medicine and surgery, dentistry, podiatry or chiropractic in this state, or a person licensed as a physician assistant, advanced practice registered nurse or naturopathic doctor in this state." K.S.A. 65-7302(d).

10. A radiologic technologist license may be limited, suspended or revoked, a licensee may be censured, reprimanded, fined, or otherwise sanctioned by the board, or an application for licensure to practice as a radiologic technologist may be denied if an applicant has been found guilty of unprofessional conduct. K.S.A. 65-7313(a)(8).

11. K.A.R. 100-73-6(k) defines "unprofessional conduct" in pertinent part as "violating . . . any provision of the radiologic technologists practice act and amendments thereto."

**Conclusions of Law**

12. The Board finds Applicant violated K.S.A. 65-7303(a) by performing the duties of a radiologic technologist without possessing a valid license.

13. The Board finds Applicant violated K.S.A. 65-7303(d)(1) by using the title "radiologic technologist" without possessing a valid license.

14. The Board finds that Applicant's violation of the above statutes constitutes unprofessional conduct as defined by K.S.A. 65-7313(a)(8), as further defined by K.A.R. 100-73-6(k).

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

16. Based on the facts and circumstances set forth herein, 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 law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Applicant.

**IT IS, THEREFORE, ORDERED** that Applicant is **PUBLICLY CENSURED** for violating K.S.A. 65-7303(a), K.S.A. 65-7303(d)(1), and K.S.A. 65-7313(a)(8) of the Kansas Radiologic Practice Act, as well as for violating K.A.R. 100-73-6(k).

**IT IS FURTHER ORDERED** that Applicant be granted an temporary license immediately upon the date this order becomes effective as a Final Order.

**IT IS FURTHER ORDERED** that all correspondence or communication between Applicant and the Board relating to the Summary Order shall be by certified mail addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A,
Topeka, Kansas 66612.

**NOTICE OF RIGHTS**
**(Pursuant to K.S.A. 77-542)**

Applicant is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542 under the Kansas Administrative Procedure Act. If Applicant desires a hearing, Applicant must request such hearing in writing within fifteen (15) days from the date of service of this Order stating the legal and/or factual basis upon which the party opposes this Order, and filing the same with the office of the Executive Director at:

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

When a hearing is requested pursuant to K.S.A. 77-542, the Kansas State Board of Healing Arts will notify the Applicant of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing pursuant to K.S.A. 77-542. Pursuant to K.S.A. 77-613(e), the Executive Director is the agency officer designated to receive service of petition for judicial review on behalf of the agency.

**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 26th day of August, 2019.**

**KANSAS STATE BOARD OF HEALING ARTS**

Kathleen Selzler Lippert,
Executive Director

## FINAL ORDER NOTICE OF RIGHTS

**PLEASE TAKE NOTICE** that this is a Final Order. A Final Order is effective upon service. 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 copy of the foregoing **FINAL ORDER** was served this 17 day of Sept, 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Lakin Cook, LRT
CONFIDENTIAL

And a copy was hand-delivered to:

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

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

Office of the General 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.

Susan Gile
Susan Gile, Operations Manager