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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)

VINCENT CRAMER, RT)
Kansas License No. 16-03195)

) **Docket No. 05-HA-00072**

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 12th day of August 2006, comes on for conference hearing before the Kansas State Board of Healing (“Board”) the request filed by Vincent Cramer, RT (“Licensee) to terminate requirements imposed by the Consent Order filed April 25, 2005. Licensee appears in person. Kelli J. Stevens, Litigation Counsel, appears for the Board.

After reviewing the file, hearing the statements of the parties, and being duly advised in the premises, the Board finds, concludes and orders as follows:

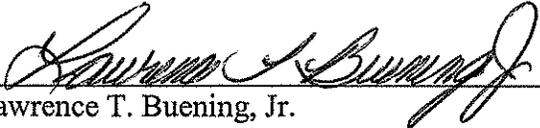
1. On March 25, 2005, Licensee entered into a Consent Order that was approved by the Board at its meeting April 23, 2005 and was filed April 25, 2005.
2. In the Consent Order, Licensee agreed to a number of items as conditions to being issued a license to practice respiratory therapy in the State of Kansas.
3. Licensee has successfully completed the conditions imposed upon him and has met all the requirements imposed by the Consent Order.
4. The Consent Order and the requirements imposed upon Licensee by such Order should be terminated.

IT IS THEREFORE ORDERED that Licensee’s request to terminate requirements imposed by the Consent Order filed April 25, 2005 should be granted and the Consent Order should have no further force or effect.

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 District Court as authorized under the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* A petition for judicial review is not timely unless filed within 30 days following service of the Final Order. A copy of any such petition must be served upon the Board addressed to the Executive Director, 235 S. Topeka Boulevard, Topeka, Kansas 66603. A request for reconsideration is not a prerequisite to judicial review.

DATED this 21st day of August, 2006.

KANSAS STATE BOARD OF HEALING ARTS



Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

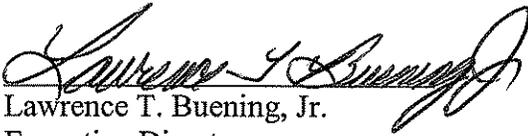
I, do hereby certify that on the 21st day of August, 2006, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid, to the following:

Vincent Cramer, RT
1129 Larimer
Wichita, KS 67212

and a copy hand delivered to the office of:

Kelli J. Stevens, Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, KS 66603

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


Lawrence T. Buening, Jr.
Executive Director
(785) 296-3680

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

APR 25 2005 *g*

KS State Board of Healing Arts

In the Matter of)
)
Vincent Cramer, R.T.,)
Application for License) Docket No. 05-HA- 72
)
_____)

CONSENT ORDER

COME NOW, the Kansas State Board of Healing Arts ("Board") by and through Kelli J. Benintendi, Associate Counsel ("Petitioner"), and Vincent Cramer, R.T., ("Applicant"), *pro se*, and move the Board for approval of a Consent Order as a condition to being granted a license to practice respiratory therapy in the State of Kansas. The parties stipulate and agree to the following:

1. Applicant's mailing address as provided to the Board is 2605 W. Oxberry, Wichita, Kansas 67217.
2. On or about June 17, 2004, Applicant submitted to the Board an application for licensure as a respiratory therapist in the state of Kansas.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of respiratory therapy, K.S.A 65- 5501 *et seq.*
4. This Consent Order and the filing of such document are in accordance with applicable law and that the Board may enter into an informal settlement of this matter as provided in K.S.A. 77-505, without the necessity of proceeding to a formal hearing.
5. Upon approval, the provisions in this Consent Order shall constitute the findings of the Board, and this Consent Order shall be the Board's Final Order.

6. The respiratory therapy practice act is constitutional on its face and as applied in this case.

7. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

8. Applicant voluntarily and knowingly waives his right to a hearing under the Kansas administrative procedure act, K.S.A. 77-501 *et seq.* Applicant voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

9. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

10. In his application, Applicant disclosed that on or about November 21, 1997, Applicant was convicted in Sedgewick County, Kansas of one felony count for the sale of cocaine; one felony count of possession of cocaine with intent to sell; two felony counts for lack of tax stamps; and one class A misdemeanor for possession of drug paraphernalia in violation of K.S.A. 65-5510(a)(3).

11. **(Confidential)**

(Confidential)

12. In lieu of conducting formal proceedings and/or the making of findings by the Board, Applicant, by his signature affixed to this Consent Order, hereby voluntarily agrees to the following conditions to being granted a license to practice respiratory therapy:

(a) **(Confidential)**

(b) **(Confidential)**

(c) **(Confidential)**

(d) **(Confidential)**

(e) **(Confidential)**

13. The conditions contained in this Consent Order are not self-terminating and shall remain in effect for at least one (1) year from the date this Consent Order is filed with the Board. At the end of one year, Applicant may request the termination of the conditions.

14. Applicant's failure to comply with the provisions of this Consent Order will result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

15. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the respiratory therapy practice act, or to investigate complaints received under the risk management law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the respiratory therapy practice act.

16. Applicant hereby releases the Board, its individual members (in their official and personal capacities), attorneys, employees and agents, hereinafter collectively referred to as ("Releasees"), from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board of any and all claims or demands of every kind and nature that Applicant has claimed to have had at the time of this release or might have had, at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

17. Applicant further understands and agrees that upon his signing the Consent Order, this document shall be deemed a public record, and shall be reported to the National Practitioner Databank and any and all reporting entities requiring disclosure of this Consent Order.

18. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

19. Applicant agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Applicant is not present. Applicant further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

20. Applicant, by signature to this document, waives any objection to the participation of the Board members in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

21. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.

22. Applicant acknowledges that he has read this Consent Order, fully understands the contents and that this Consent Order has been entered into freely and voluntarily.

23. All correspondence or communication between Applicant and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Kelli J. Benintendi, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

24. Applicant shall obey all federal, state and local laws and rules governing the practice of respiratory therapy in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

25. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order. This Consent Order shall

constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law and is the Order of the Board.

IT IS FURTHER ORDERED that upon meeting all requirements for licensure, Applicant shall be granted a license to practice respiratory therapy in Kansas.

IT IS FURTHER ORDERED that:

(a) **(Confidential)**

(b) **(Confidential)**

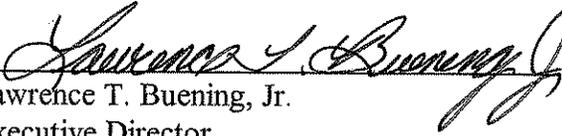
(c) **(Confidential)**

(d) **(Confidential)**

(e) (Confidential)

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS

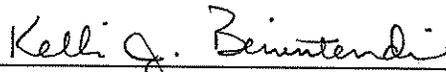

Lawrence T. Buening, Jr.
Executive Director

4/25/05
Date


Vincent Cramer, R.T.
Applicant

03-25-05
Date

Prepared By:


Kelli J. Benintendi #16032
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

CERTIFICATE OF SERVICE

I, Kelli J. Benintendi, Associate Counsel, Kansas Board of Healing Arts, hereby certify that I served a true and correct file-stamped copy of the above **Consent Order** by United States mail, postage prepaid, on this 26th day of April, 2005, to the following:

Vincent Cramer, R.T.
2605 W. Oxberry
Wichita, Kansas 67217.

and the original was hand-delivered for filing to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Kelli J. Benintendi
Kelli J. Benintendi
Associate Counsel