

**FILED** CAB

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

SEP 21 2010

KS State Board of Healing Arts

<b>In the Matter of</b>	)	
	)	
<b>Michelle Dawn Daniel, RT</b>	)	
<b>Kansas License No. 16-03004</b>	)	<b>Docket No. 11-HA00014</b>
_____	)	

**FINAL ORDER AND JOURNAL ENTRY OF SATISFACTION  
OF REQUIREMENTS OF FINAL ORDER**

NOW ON THIS 20<sup>th</sup> day of September, 2010, the above-entitled matter comes on before Kathleen Selzler Lippert, 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 August 23, 2010, the Executive Director issued a Summary Order regarding the license of Michelle Dawn Daniel, R.T. (“Licensee”) to practice as a respiratory therapist in the state of Kansas. The Summary Order contained a provision assessing a \$100 civil fine against Licensee for failure to have met the continuing education requirement at the time of renewal, due and payable within thirty (30) days of the effective date of the Summary Order.
2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.
3. No hearing has been requested by any party; therefore the Summary Order became effective as a Final Order on September 13, 2010.
4. On August 5, 2010, Licensee remitted 24 hours of continuing education for double the hours, due to not have the hours.

5. On September 13, 2010, Licensee remitted \$100.00 to the Board for satisfaction of the \$100 civil fine.

5. Licensee has satisfied all requirements of the Final Order and has no further obligation for compliance.

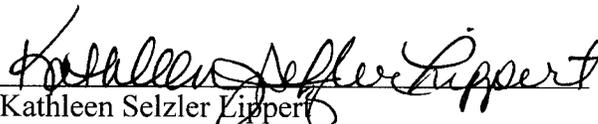
**IT IS THEREFORE ORDERED** that Licensee is hereby discharged from the requirements of the Final Order.

**IT IS SO ORDERED.**

**NOTICE OF RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed pursuant to K.S.A 77-613(e), the Agency Officer to be served on behalf of the Kansas State Board of Healing Arts is Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603. Dated this 20<sup>th</sup> day of September 2010.

**KANSAS BOARD OF HEALING ARTS**

  
Kathleen Selzler Lippert  
Executive Director

9-20-10  
Date

**CERTIFICATE OF SERVICE**

I, hereby certify that a true and correct copy of the foregoing **Final Order and Journal Entry of Satisfaction** was served on the 21<sup>st</sup> day of September, 2010 by United States mail, first-class postage pre-paid and addressed to:

Michelle Dawn Daniel RT  
518 W Pine St  
El Dorado, KS 67042

and a copy was hand-delivered to:

Stacy Bond  
Assoc Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

Katy Lenahan  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065

and the original was hand-delivered for filing with the office of the Executive Director:

Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068



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Cathy Brown  
Executive Assistant

FILED CAB

AUG 24 2010

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

**KS State Board of Healing Arts**

In the Matter of )  
 )  
Michelle Dawn Daniels, RT )  
License No. 16-03004 )  
\_\_\_\_\_ )

Docket Number: 11-HA00014

**SUMMARY ORDER**

NOW ON THIS 23<sup>rd</sup> day of August, 2010, 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.

After reviewing 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:

1. Michelle Dawn Daniels, RT (“Licensee”) was originally issued license number 16-03004 to practice as a respiratory therapist in the State of Kansas on January 21, 2004.
2. On or about March 12, 2010, Licensee submitted an application for renewal of their license.
3. Pursuant to K.S.A. 65-5512 and K.A.R. 100-55-7 each Licensee desiring to renew a respiratory therapy license must have completed at least 12 credits of continuing education and to provide proof of completion to the Board upon request
4. As part of the renewal process, Licensee certified that the rules regarding continuing education had been read, that compliance had been achieved, and that documentation of the continuing education would be maintained for a three-year period and produced to the Board upon request.
5. Licensee was randomly selected to provide verification of compliance with the continuing education requirements and on May 10, 2010, a letter was mailed to Licensee

requesting that Licensee provide no later than June 18, 2010, the records relied upon when Licensee certified achievement of the required continuing education.

6. A second letter requesting proof of continuing education by July 9, 2010 was sent to licensee on June 23, 2010 by certified mail through the United States Postal Service.

7. The second request letter was signed for by a representative of the licensee on June 25, 2010.

8. The licensee was called at her residence address on July 16, 2010; a message was left for the licensee.

9. The licensee notified the board by phone on July 16, 2010 the she did not have the required hours.

10. Licensee submitted proof of 0 hours of the required 12 hours, so license is short a total of 12 hours of continuing education.

11. Licensee failed to provide documented evidence of continuing education by the due date.

12. By failing to provide documented evidence of her continuing education, Licensee has violated K.S.A. 65-5510(a)(4), violating any lawful order or rule and regulation of the board, specifically K.A.R. 100-55-5(h) failing to furnish to the Board, or to its investigators or representatives, any information legally requested by the Board.

13. In addition to any other penalty prescribed under the Respiratory Therapy Practice Act, K.S.A. 65-5510 authorizes the Board to assess an administrative fine in an amount not exceeding \$5,000 for the first violation of the Respiratory Therapy Practice Act.

**IT IS, THEREFORE, ORDERED** Licensee be assessed a civil fine in the amount of \$100, payable within thirty days of the effective date of this order, for failure to have met the continuing education requirement at the time of renewal.

**IT IS FURTHER ORDERED** that licensee shall provide documentation of completion of 24 hours continuing education hours within 90 days of the effective date of this order.

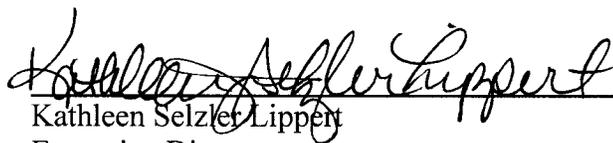
**IT IS FURTHER ORDERED** that licensee's license shall be suspended for failure to provide the continuing education as described in this order within 90 days of the effective date.

**IT IS FURTHER ORDERED** that licensee's license shall be suspended for failure to pay the fine in compliance with this order, or fails to file a notice for a hearing.

**PLEASE TAKE NOTICE** that this is a summary order. A party to whom a summary order is issued may file a written request for a hearing within 15 days following service of the summary order. If a hearing is not requested, the summary order shall become effective as a final order of the Board upon expiration of the time for requesting a hearing. A request for a hearing must be addressed to Kathleen Selzler Lippert, Executive Director, 235 South Topeka Boulevard, Topeka, Kansas 66603.

**DATED** this 23<sup>rd</sup> day of August, 2010.

**KANSAS STATE BOARD OF HEALING ARTS**

  
\_\_\_\_\_  
Kathleen Selzler Lippert  
Executive Director

**CERTIFICATE OF SERVICE**

I, do hereby certify that on the 21<sup>st</sup> day of August, 2010, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Michelle Dawn Daniels RT  
1930 Lakeland Dr  
El Dorado, KS 67042

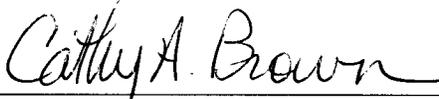
and a copy hand delivered to the office of:

Stacy Bond  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 6603-3068

Katy Lenahan  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

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

Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 6603-3068

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant