

MAR 15 2021

KS State Board of Healing Arts

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

In the Matter of

Janet M. Enzbrenner, L.R.T.  
Kansas License No. 22-02100

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Docket No. 20-HA 00054

**CONSENT ORDER**

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Tammie L. Mundil, Litigation Counsel ("Petitioner"), and Janet M. Enzbrenner, L.R.T. ("Licensee"), by and through her attorney, John W. Fresh, and move the Board for approval of a Consent Order affecting Licensee's license to practice as a licensed radiological technologist in Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is: CONFIDENTIAL  
CONFIDENTIAL
2. Licensee is entitled to practice as a radiologic technologist in Kansas, having been issued original license number 22-02100 on November 30, 2005. Licensee's current license status is Active, having last renewed such license on or about September 17, 2019.
3. The Board has received information and investigated the same, and has reason to believe there are grounds to take action under the Kansas Radiologic Technologist Practice Act, K.S.A. 65-7301 *et seq.*
4. The facts offered in support of this Consent Order are as follows:
  - a. Licensee was employed by Atchison Hospital as an Echocardiographer/Sonographer Radiologic Technologist until her termination on or about September 29, 2017, due to a HIPAA breach.

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- b. Patient <sup>CONF</sup><sub>FIDE</sub> was taken to Atchison Hospital after an alleged sexual assault on <sup>CONF</sup><sub>DENTI</sub>.
- <sup>CONFIDEN</sup><sub>TIAL</sub> In the course of her evaluation and treatment, Patient <sup>CONF</sup><sub>FIDE</sub> <sup>CONF</sup><sub>NTIA</sub> gave detailed information about the assault, including the identity of her assailant.
- c. In <sup>CONFIDENTIAL</sup> Licensee was in the medical records department at Atchison Hospital to follow up on some reports. While there, she saw a sexual assault report laying on a desk. She noticed the name of the patient, <sup>CONF</sup><sub>IDEN</sub>, as well as the accused individual. She was familiar with the accused, <sup>CONFIDENTIAL</sup>.
- <sup>CONFIDENTIAL</sup> . Following this, Licensee was speaking with a friend who also knew the accused and revealed protected health information about Patient <sup>CONF</sup><sub>IDEN</sub>. Following this discussion, either Licensee or Licensee's friend contacted the alleged assailant and told him about the complaint.
- d. After Licensee disclosed <sup>CONFID</sup><sub>ENTIAL</sub> private health information, the assailant began to harass Patient <sup>CONF</sup><sub>IDEN</sub> through a series of text messages, social media contacts, and phone calls. In addition, Licensee herself repeatedly contacted Patient <sup>CONF</sup><sub>IDEN</sub> by phone and text and made inappropriate comments to Patient <sup>CONF</sup><sub>DENTI</sub>.
- e. On <sup>CONFIDENTIAL</sup>, after Licensee disclosed <sup>CONFID</sup><sub>ENTIAL</sub> private health information to the assailant, Patient <sup>CONF</sup><sub>IDEN</sub> was assaulted a second time by the same assailant.

5. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

6. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts, and specifically the practice of radiologic technologists. K.S.A. 65-7301 *et seq.*

7. The Kansas Radiologic Technologists Practice Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

8. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee 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. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

10. The Board has received information and investigated the same, and has reason to believe there are grounds to take action with respect to Licensee's license under the Kansas Radiologic Technologists Practice Act, K.S.A. 65-7301 *et seq.*

11. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Radiologic Technologists Practice Act with respect to

the above allegations. Licensee further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

12. Licensee violated K.S.A. 65-7313(a)(8) by committing acts of unprofessional conduct, as defined by K.A.R. 100-73-6(d), K.A.R. 100-73-6(g), and K.A.R. 100-73-6(h). Specifically:

- a. Licensee was terminated by Atchison Hospital due to violating the confidentiality of protected patient health information and/or HIPAA. This is unprofessional conduct as defined by K.A.R. 100-73-6(d).
- b. Licensee willfully betrayed confidential information by obtaining Patient <sup>CONFID</sup> ~~ENTIAL~~ confidential health information and disclosing the same to unauthorized persons. This is unprofessional conduct as defined by K.A.R. 100-73-6(g).
- c. Licensee committed conduct likely to harm the public as her disclosure of protected health information caused additional harm to befall Patient <sup>CONF</sup> ~~IDEN~~ <sup>ENTIAL</sup> and threatened to undermine the trust in the health care industry that crime victims need to have in order to seek care and treatment. This is unprofessional conduct as defined by K.A.R. 100-73-6(h).

13. Under K.S.A. 65-7313(a), the Board may reprimand, limit, suspend, censure, impose administrative fines, revoke, or otherwise sanction Licensee's license for violations of the Kansas Radiologic Technologists Practice Act.

14. According to K.S.A. 77-505 and K.S.A. 65-7313(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

15. All pending investigation materials in regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 35 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

16. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice as a licensed radiological technologist Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on her own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Radiologic Technologists Practice Act K.S.A. 65-7301 *et seq.*

17. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Radiologic Technologists 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 Kansas Radiologic Technologists Practice Act.



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

19. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

20. 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.

21. Licensee 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 Licensee is not present. Licensee 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.

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

23. Licensee acknowledges she has read this Consent Order and fully understands the contents.

24. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.

25. Licensee shall obey all federal, state and local laws and rules governing the practice of radiologic technologists in 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.

26. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 77-505 and K.S.A. 65-7313(b). 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.

27. Licensee shall immediately notify the Board or its designees of any citation, arrest or charge filed against her or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

28. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory, District of

Columbia, or other county, or by a peer review body, a health care facility, a professional association or society, or by a governmental agency.

29. Licensee shall at all times keep Board staff informed of her current practice locations addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten days of any such change.

30. This Consent Order constitutes **public disciplinary action**.

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

32. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against her license to practice as a radiologic technologist.

#### **PUBLIC CENSURE**

33. Licensee is hereby **publicly censured** for violating the Kansas Radiologic Technologists Practice Act.

#### **SUSPENSION**

34. Licensee shall be suspended for a period of nine (9) months. Such suspension will be in effect from the date of approval of this Consent Order, until nine (9) months have elapsed, at which time the suspension will be lifted.

#### **FINE**

35. Licensee is hereby ordered to pay a **FINE** in the amount of **ONE THOUSAND FIVE HUNDRED DOLLARS AND ZERO CENTS, (\$1,500.00)** for violations of the Kansas Radiologic Technologists Practice Act.



36. Such fine shall be paid in full within sixty (60) calendar days of the execution of this Consent Order, in the form of a Cashier's Check or Money Order paid to the order of "Kansas State Board of Healing Arts."

37. All monetary payments to the Board relating to this Consent Order shall be mailed to the Board by certified mail, addressed to:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level-Suite A  
Topeka, KS 66612  
[KSBHA\\_compliancecoordinator@ks.gov](mailto:KSBHA_compliancecoordinator@ks.gov)

#### **EDUCATION: EDUCATION ON ETHICS**

38. Licensee shall enter into, complete, and pass all five (5) topic areas of the EBAS Essay Examination that is put on by the **Ethics and Boundaries Assessment Services, L.L.C.** Information regarding the Ethics and Boundaries Examination, including registration, is available at: [www.ebas.org](http://www.ebas.org). Licensee must successfully complete each portion no later than October 1, 2021.

39. The score report of any and all examination attempts by Licensee, regardless of Licensee receiving a passing or failing score, shall be provided to the Board by Licensee **within ten (10) business days of Licensee receiving the test result**. Licensee further agrees that any and all results will be presented to the Board at the time of request to modify or terminate licensure monitoring. The results shall be sent to the Board's Compliance Coordinator.

40. All costs associated with such examination shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the examination, any testing

center costs, the cost of travel to and from the examination, and the cost of accommodations while taking the examination.

41. Any hours earned by Licensee toward continuing education as a result of successfully completing the Ethics and Boundaries Examination shall be in addition to those continuing education hours required for renewal of licensure.

#### **EDUCATION: TRAUMA INFORMED PATIENT CARE**

42. Licensee shall successfully complete a continuing education course covering "Trauma Informed Patient Care" no later than **October 1, 2021**. Said course must be presented to the Board's Compliance Coordinator for consideration and approval by the Board.

43. Licensee shall provide **proof of successful completion** of the continuing education course covering "Trauma Informed Patient Care" to the Board's Compliance Coordinator **within ten (10) days of successfully completing the course**.

44. All costs associated with said course shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the course, the cost of travel to and from the course, and any/all costs associated with the course.

45. Any hours earned by Licensee toward continuing education as a result of successfully completing said course shall be in addition to those continuing education hours required for renewal of licensure.

#### **EDUCATION: ADULT/ADOLESCENT SANE-SART COURSE**

46. Licensee shall successfully complete the "Adult/Adolescent SANE-SART Course" offered by the Kansas Coalition Against Sexual & Domestic Violence, or a substantially similar

course. The substantially similar course must be presented to the Board's Compliance Coordinator for consideration and approval by the Board.

47. Licensee shall provide **proof of successful completion** of the continuing education course "Adult/Adolescent SANE-SART Course", or substantially similar course, to the Board's Compliance Coordinator **within ten (10) days of successfully completing the course. Such course shall be completed no later than October 1, 2021.**

48. All costs associated with said course shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for the course, the cost of travel to and from the course, and any/all costs associated with the course.

49. Any hours earned by Licensee toward continuing education as a result of successfully completing said course shall be in addition to those continuing education hours required for renewal of licensure.

#### **EDUCATION: CEU HOURS**

50. Licensee shall successfully complete thirty (30) hours of continuing education hours that specifically focus on HIPAA, privacy issues, and/or providing health care services to patients experiencing emotional trauma. These hours shall be in addition to those continuing education hours required for renewal of licensure. Licensee may request prior approval of a proposed CEU course from the Board by contacting the Compliance Coordinator.

51. In lieu of the above CEUs, Licensee may volunteer for a non-profit company or government agency that requires her to work with victims of sexual assault and/or domestic violence. Such volunteer service may be established by written confirmation of the director of said

company or agency. Potential volunteer opportunities with said non-profits companies or government agencies must be approved by the Board by contacting the Compliance Coordinator.

52. Licensee shall provide **proof of successful completion** of the continuing education hours no later than October 1, 2021.

53. All costs associated with said hours shall be at Licensee's own expense, including, but not limited to, all costs associated with registration for any of the courses, the cost of travel to and from any courses, and any/all costs associated with the courses.

54. All documentation required pursuant to this Consent Order shall be mailed to the Board by certified mail, addressed to:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level-Suite A  
Topeka, KS 66612  
KSBHA\_compliancecoordinator@ks.gov

#### **TIMEFRAME**

55. Licensee must successfully complete all sections of the Ethics and Boundaries Examination, complete Trauma Informed Patient Care training, complete the Adult/Adolescent SANE-SART course, complete the additional thirty (30) hours of continuing education and pay the required fine on or before the dates specified before she may request termination of this Consent Order. A Journal Entry of Satisfaction will be filed upon completion of all terms and conditions of this Consent Order.

**IT IS FURTHER 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 as a Final Order of the Board.

IT IS SO ORDERED on this 15<sup>th</sup> day of March, 2021.

FOR THE KANSAS STATE BOARD OF  
HEALING ARTS:

  
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3-15-2021 —  
Date

  
Janet M. Enzbrenner, L.R.T.  
Licensee

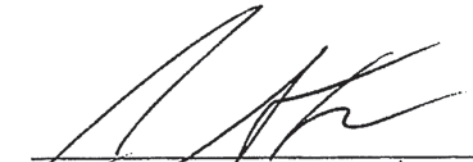
1-15-21  
Date



PREPARED AND APPROVED BY:

/s/ Tammie L. Mundil

Tammie L. Mundil, #22039  
Deputy Litigation Counsel  
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John W. Fresh #15114  
Attorney for Licensee  
110 N. 5<sup>th</sup> Street, P.O. Box 2  
Atchison, KS 66002  
Phone: 913-367-2424  
john@ffwlegal.com

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Consent Order  
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### CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 15<sup>th</sup> day of March, 2021, to the following:

Janet M. Enzbrenner, L.R.T.  
Licensee

CONFIDENTIAL

John W. Fresh  
Attorney for Licensee  
110 N. 5<sup>th</sup> Street, P.O. Box 2  
Atchison, KS 66002  
john@ffwlegal.com

And the original was hand-filed with:

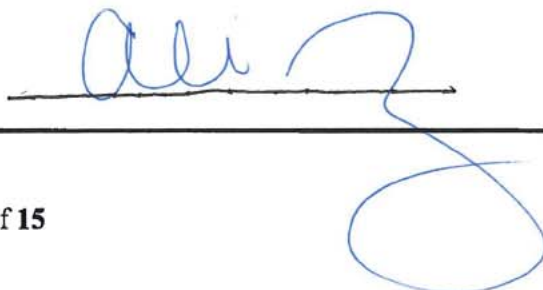
Executive Director  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And a copy was hand-delivered to:

Tammie L. Mundil  
Deputy Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

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



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