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SEP 10 2013

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

KS State Board of Healing Arts

In the Matter of)
)
Joy R. Fischer, R.T.)
License No. 16-01303)
_____)

Docket Number: *14-MA00026*

SUMMARY ORDER

NOW ON THIS *10th* day of *September*, 2013, 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. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Joy R. Fisher, R.T. (“Licensee”), *Confidential* Lyndon, Kansas, 66451, is licensed to practice as a respiratory therapist in the State of Kansas, License No. 16-01303, and has been so licensed since April 11, 1992.

2. Pursuant to K.A.R. 100-55-6, Licensee’s license to practice as a respiratory therapist in the State of Kansas expires on March 31 of each year. On or about March 30, 2013, Licensee submitted an application for licensure renewal.

3. Pursuant to K.S.A. 65-5512, K.A.R. 100-55-6 and K.A.R. 100-55-7, each licensee desiring to renew a respiratory therapy license must have completed at least twelve (12) contact hours of continuing education since April 1 of the previous year. Each licensee shall provide

proof of satisfactory completion of the continuing education requirements to the Board upon request.

4. As part of the renewal process, Licensee certified that she had read the rules regarding the continuing education requirements and the Board's procedures for auditing continuing education. Licensee further certified that she had completed at least twelve (12) contact hours and that documentation of the completed 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.

6. On or about June 3, 2013, a letter was mailed to Licensee requesting that Licensee provide, no later than July 3, 2013, the records relied upon when Licensee certified completion of the required continuing education.

7. On or about July 1, 2013, an email was sent to Licensee reminding her of the upcoming deadline of July 3, 2013, for submitting the continuing education.

8. On or about July 10, 2013, a certified letter was mailed to Licensee's mailing address on file with the Kansas State Board of Healing Arts, requesting that Licensee provide, no later than August 1, 2013, the records relied upon when Licensee certified completion of the required continuing education.

9. On or about July 11, 2013, Licensee signed for the certified letter.

10. On or about July 31, 2013, an email was sent to Licensee reminding her of the upcoming final deadline of August 1, 2013, for submitting the continuing education.

11. On or about July 31, 2013, Licensee informed the Board by email that she was short 4 hours, of the required 12 hours of continuing education.

12. On or about August 1, 2013, License submitted proof of 8 hours of continuing education.

13. On or about August 2, 2013, the Board sent Licensee a letter confirming that she is short four hours of continuing education and requested that she provide the missing four hours by August 9, 2013

14. Licensee failed to comply with the Board's request to provide documented evidence of compliance with the continuing education requirements by the deadline.

15. Licensee failed to comply with the Board's request to provide documented evidence of compliance with the continuing education requirements by the deadline.

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

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

IT IS, HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:

18. Licensee is hereby assessed a CIVIL FINE for failure to comply with the Board's legal request for information.

19. Licensee is hereby ordered to pay the assessed CIVIL FINE pursuant to K.S.A. 65-5510(c) in the amount of **\$100.00**. The total amount of **\$100.00** shall be due on or before October 15, 2013.


20. Licensee shall make all payments payable to the Kansas State Board of Healing Arts and send all payments to the attention of: Licensing Audit Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

21. Licensee shall complete eight hours of continuing education and submit proof of completion to the Board within 90 days following service of this Summary Order.

22. Licensee's license shall be suspended for failure to provide proof of the continuing education requirements and/or payment of the fine within the timeframe specified above.

23. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

**IT IS SO ORDERED THIS 10th DAY OF Sept, 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
(Pursuant to K.S.A. 77-542)

Licensee is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Licensee desires a hearing, Licensee must file a written request for a hearing with:

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

This request must be filed within fifteen (15) days from the date of service of this Order. If Licensee requests a hearing, the Kansas State Board of Healing Arts will notify the Licensee 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. 77-613. In the event Licensee files a petition for judicial review, 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
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

CERTIFICATE OF SERVICE

I, do hereby certify that on the 10th day of September, 2013, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Joy R. Fischer RT
Confidential
Lyndon, KS 66451

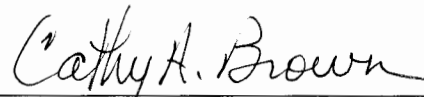
Courtesy Copy provided:

Office of the General 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

The original filed with:

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



Cathy Brown
Executive Assistant