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JUL 18 2012

KS State Board of Healing Arts

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

In the Matter of)
STEVEN JOSEPH FISHER, R.T.)
)
Kansas License No. 16-04224)
_____)

KSBHA Docket No. 12-HA00084

FINAL ORDER GRANTING LICENSURE

NOW on this 22nd day of June 2012, comes before the Kansas State Board of Healing Arts (“Board”) the application of Steven Joseph Fisher, R.T. (“Applicant”) for licensure to practice respiratory therapy in the State of Kansas. Applicant appears in person and *pro se*. Jessica A. Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Respiratory Therapy Practice Act, K.S.A. 65-5501, *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501, *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the file, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. On or about November 16, 2011, Steven Joseph Fisher, R.T. (“Applicant”), submitted an application for a license to practice respiratory therapy in the State of Kansas. Such application was deemed complete and filed with the Board on May 22, 2012.
2. Applicant was previously denied a license by the Board in 2004. As such, the Board takes official notice of the agency record in KSBHA Docket No. 04-HA00038.

3. Applicant disclosed on his present application that he has been disciplined by the Missouri Board three (3) times.

4. The first time the Missouri Board placed Mr. Fisher's license on probation was in 2000, for a plea to attempted stealing, a Class B misdemeanor. The second time was in 2003, for violation of his 2000 license probation for committing another crime, possession of drug paraphernalia, a Class A misdemeanor. In 2006, the Missouri Board placed Mr. Fisher's license on five (5) more years of probation for violating the terms of his 2003 probation due to his failure to obtain the Missouri Board's approval of a chemical dependency counsel and submit reports every six (6) months of ongoing treatment and evaluation.

5. Applicant was terminated from Liberty Hospital in Missouri in December 2000, for allegedly failing to provide treatment to at least three (3) patients, but stated and/or charted that he had done so.

6. Applicant was released from the probation on his Missouri license in November of 2011.

7. With the exception of the Missouri Board's 2006 probationary order based on violations of Applicant's 2003 probationary terms, Applicant's conduct occurred before and was largely considered by the Board in its 2004 denial of licensure.

8. Board counsel also contends that Applicant failed to disclose on his application that he was previously denied a license to practice respiratory therapy in the State of Kansas in 2004 for findings that he committed unprofessional conduct.

9. The Board finds that Applicant's failure to disclose a denial of licensure to the agency which denied it does not rise to the level of misrepresentation or deception in this particular instance. The Board considers it reasonable that an Applicant might interpret a license application question asking whether he had ever been denied a professional license by any licensing agency to not include the agency to which he is applying. Additionally, Applicant responded affirmatively to another question concerning discipline against his license by other agencies. The Board limits its decision on this issue to the specific facts and circumstances of this case, and as such, does not consider this decision to have precedential value.

10. The Board also finds that Applicant's failure to disclose his 1999 charges for two (2) Class C felonies does not rise to the level of misrepresentation or deception in this particular instance as Applicant disclosed that his Missouri license had been disciplined and one of those actions was based in part on the misdemeanor convictions which were the result of the charges. The Board limits its decision on this issue to the specific facts and circumstances of this case, and as such, does not consider this decision to have precedential value.

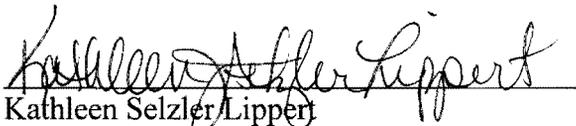
11. CONFIDENTIAL

CONFIDENTIAL

12. The Board finds that Applicant's completion of Missouri's 2006 probationary terms is persuasive in demonstrating that he is sufficiently rehabilitated to warrant licensure in Kansas.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant is hereby GRANTED a license to practice respiratory therapy in the State of Kansas.

IT IS SO ORDERED THIS 18th DAY OF JULY, 2012, 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

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, the Board's Executive Director, at 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER GRANTING LICENSURE** was served this 18th day of July 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

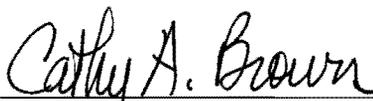
Steven J. Fisher, R.T.
CONFIDENTIAL
Independence, MO 64057

And a copy was hand-delivered to the following:

Jessica A. Bryson, Associate Litigation 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

And the original was filed with the office of the Executive Director.



Cathy Brown
Executive Assistant