

**FILED**

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

AUG 11 1993

In the Matter of )  
 )  
BARBARA A. ROECKER FISHER, R.T. )  
License No. 16-00064 )  
\_\_\_\_\_ )

**KANSAS STATE BOARD OF  
HEALING ARTS**

**ORDER SETTING ASIDE ORDER OF RETROACTIVE MODIFICATION  
TO REGISTRATION STATUS AND DENYING SAID  
RETROACTIVE MODIFICATION REQUEST**

NOW, on this 7th day of August, 1993, comes on for consideration before the Kansas State Board of Healing Arts (hereafter "Board"), sitting as a whole as Presiding Officer in a Conference Proceeding pursuant to the provisions of K.S.A. 77-533, the request of Barbara A. Roecker Fisher, R.T. (hereafter "Registrant") for retroactive modification of registration status and non-payment of fine. Registrant did not appear.

After reviewing the request and being otherwise duly advised in the premises, the following findings are made:

1. Registrant was issued a registration as a respiratory therapist on August 15, 1987 pursuant to K.S.A. 65-5506.
2. Said registration was cancelled for non-renewal on February 25, 1992.
3. Registrant continued to practice as a respiratory therapist until her reinstatement of registration on February 18,

1993.

4. It was due solely to inadvertence and mistake that Registrant failed to renew her license and the same was cancelled on February 25, 1992.

5. On April 20, 1993, the Board granted Registrant's request and ordered retroactive modification to registration status with a condition of payment of an administrative fine in the amount of two-hundred (\$200.00) dollars within ninety (90) days of service upon the parties.

6. By letter dated July 30, 1993, Lawrence T. Buening, Jr., Executive Director of the Board, advised Registrant if payment of the fine was received in the Board office by 4:30 p.m. on August 6, 1993, Board staff would request acceptance of the delinquent payment in satisfaction of the Board Order filed April 20, 1993. The Executive Director further advised Registrant that failure to make the payment by 4:30 p.m. on August 6, 1993 would result in a recommendation to the Board that the Order of Retroactive Modification to Registration Status be set aside and that the Board deny the retroactive modification request.

7. The fine has not been received in the Board office as directed by the Order of Retroactive Modification.

IT IS THEREFORE BY THE BOARD ORDERED as follows:

A. That the findings here and above made be and the same are made the Order of the Board.

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ORDER SETTING ASIDE ORDER OF RETROACTIVE MODIFICATION TO  
REGISTRATION STATUS AND DENYING SAID RETROACTIVE MODIFICATION  
REQUEST

B. The Order of Retroactive Modification to Registration Status filed April 20, 1993 is set aside due to the failure of Registrant to satisfy the condition precedent of payment of the administrative fine assessed by the Order.

C. The request for retroactive modification to registration status is denied due to the failure of Registrant to satisfy the condition precedent of payment of the administrative fine assessed by the Order filed April 20, 1993.

D. The status of the registration issued under K.S.A. 65-5512 to Barbara A. Roecker Fisher, R.T. to practice as a respiratory therapist in the state of Kansas is not retroactively modified and the Board records will reflect that Registrant did not hold an active registration from and since February 25, 1992 until February 18, 1993.

E. This is a Final Order and is effective upon service upon the parties. Any party may, within fifteen (15) days after service, file a Petition for Reconsideration. The filing of a Petition for Reconsideration is not a prerequisite for seeking administrative or judicial review.

IT IS SO ORDERED.

DATED this 11th day of August, 1993.

KANSAS STATE BOARD OF HEALING ARTS

  
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LAWRENCE T. BUENING, JR.  
Executive Director

ORDER SETTING ASIDE ORDER OF RETROACTIVE MODIFICATION TO  
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REQUEST

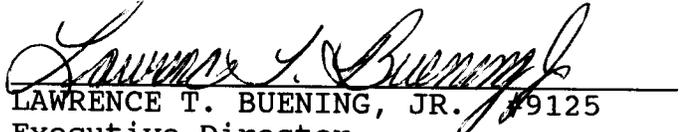
**CERTIFICATE OF SERVICE**

I, Lawrence T. Buening, Jr., hereby certify that on the 11th day of August, 1993, a true and correct copy of the above and foregoing Order Setting Aside Order of Retroactive Modification to Registration Status and Denying Said Retroactive Modification Request was deposited in the United States mail, first class, postage prepaid, to the following:

Barbara A. Roecker Fisher, R.T.  
903 South Sycamore  
Ottawa, Kansas 66067

and the original was hand-delivered to:

Charlene K. Abbott  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 South Topeka Boulevard  
Topeka, Kansas 66603

  
LAWRENCE T. BUENING, JR. #9125  
Executive Director  
Kansas State Board of Healing Arts  
235 South Topeka Boulevard  
Topeka, Kansas 66603