FILED
SEP 10 2010
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	
Todd Gault, RT	)	Docket No. 11-HA00013
	)	
Kansas license No. 16-03117	)	

FINAL ORDER

NOW, on this 9th day of September 2010, this matter comes before Kathleen Selzler Lippert, Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being advised in the premises, the Executive Director makes the following determinations.

1. On August 16, 2010 the Executive Director issued a Summary Order regarding the license of Todd Gault, R.T. ("Licensee") to practice as a respiratory therapist in the state of Kansas. The Summary Order contained a provision for the Licensee to submit proof of 12 hours of continuing education, due within fifteen (15) days of the service of the Summary Order.

2. On August 16, 2010, the Executive Director issued a Summary Order regarding the license of Todd Gault, 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.

3. 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 the requesting a hearing.

4. No hearing has been requested by any party; therefore the Summary Order became effective as a final order on September 5, 2010.

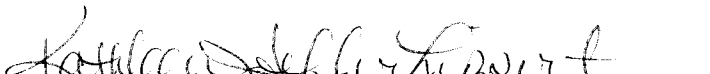
IT IS SO ORDERED

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 9th day of September, 2010

KANSAS STATE BOARD OF HEALING ARTS



Kathleen Selzler Lippert
Executive Director

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Final Order was served this 20th day of September, 2010 by United States mail, first class postage prepaid and addressed to:

Todd Gault RT
8841 Green Haven Rd
Ft Worth, TX 76179

and a copy hand delivered to the office of:

Stacy Bond
Assoc 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 Interim Executive Director.

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
235 S Topeka Blvd
Topeka, KS 66603

Cathy A. Brown

Cathy Brown
Executive Assistant

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AUG 16 2010

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	Docket Number: 11-HA00013
Todd Gault, RT	)	
License No. 16-03117	)	
	)	

SUMMARY ORDER

NOW ON THIS 16th 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. Todd Gault, RT ("Licensee") was originally issued license number 16-03117 to practice as a respiratory therapist in the State of Kansas on October 6, 2004.

2. On or about March 31, 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. The licensee notified the board by email on May 14, 2010 the he did not have the required hours. Licensee also requested that he wished to cancel his license.

7. Licensee was informed that the agency is unable to cancel his license except during his renewal and that he would need to request to appear before the board to request this.

8. 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.

9. The second request letter was signed for by the licensee on June 28, 2010.

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.

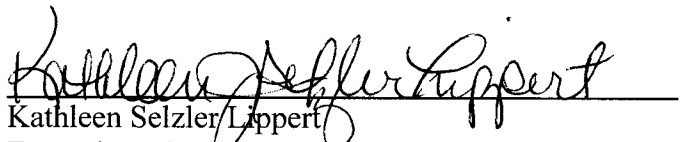
IT IS FURTHER ORDERED that licensee shall provide documentation of completion of 24 hours continuing education hours within 90 days of the effective date of this order

IT IS FURTHER ORDERED that licensees license shall be suspended for failure to provide the continuing education and payment of the fine.

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 16th 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 16th 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:

Todd Gault, RT
8841 Green Haven Rd
Ft Worth, TX 76179

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 A. Brown

Cathy Brown
Executive Assistant