

**FILED**

*AKB*

APR 06 2009

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

**KS State Board of Healing Arts**

**In the Matter of**

**MERVIN L. HERSHBERGER, L.R.T.**

**Kansas License No. 22-00520**

**Docket No. 09-HA00142**

**JOURNAL ENTRY OF SATISFACTION  
OF REQUIREMENTS OF FINAL ORDER**

**NOW** on this 6<sup>th</sup> day of April, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas State Board of Healing Arts ("Board"), concerning Licensee's satisfaction of all requirements contained in the Final Order which was filed on April 2, 2009. Wherefore, the Board finds as follows:

1. On or about April 2, 2009, the Board issued a Final Order regarding the license of Mervin L. Hershberger, L.R.T. ("Licensee") to practice as a radiological technologist in the state of Kansas. The Final Order contained a provision for Licensee to pay a fine in the amount of \$250 within thirty days of the effective date of the Summary Order. The Summary Order became effective as a Final Order on February 27, 2009.

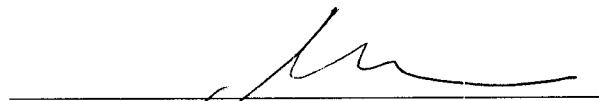
2. Licensee paid the \$250 fine on March 26, 2009.

3. Licensee has satisfied all requirements of the Final Order and has no further obligation for compliance.

**IT IS THEREFORE ORDERED** that Licensee is hereby discharged from the requirements of the Final Order filed on April 2, 2009.

**IT IS SO ORDERED.**

**KANSAS BOARD OF HEALING ARTS**

  
\_\_\_\_\_  
John (Jack) Confer  
Executive Director

4-6-09  
\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

I, hereby certify that a true and correct copy of the foregoing **Journal Entry of Satisfaction** was served on the 6<sup>th</sup> day of April, 2009 by United States mail, first-class postage pre-paid and addressed to:

Mervin L. Hershberger, LRT  
6624 Oak Grove Rd.  
Kansas City, Kansas 66106

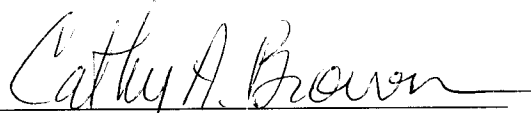
and a copy was hand-delivered to:

Stacy R. Bond  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

Katy Lenahan  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065

and the original was hand-delivered for filing with the office of the Executive Director:

Jack Confer  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant

**FILED** *CAB*

FEB 09 2009

**KS State Board of Healing Arts**

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

In the Matter of )  
 )  
MERVIN HERSHBERGER, LRT )  
License No. 22-00520 )  
\_\_\_\_\_ )

Docket Number: *09-MA00142*

**SUMMARY ORDER**

**NOW ON THIS** *9th* day of February, 2009, this matter comes before Jack Confer, 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. MERVIN HERSHBERGER, LRT ("Licensee") was originally issued license number 22-00520 to practice as a Radiologic Technologist in the State of Kansas on September 13, 2005.
2. On or about September 9, 2008, Licensee submitted an application for renewal of their license.
3. Pursuant to K.S.A. 65-7307 and K.A.R. 100-73-7 each Licensee desiring to renew a Radiologic Technologist 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 requirements and on November 14, 2008, a letter was mailed to Licensee requesting that Licensee provide no later than December 31, 2008, the records relied upon when Licensee certified achievement of the required continuing education.

6. Licensee has failed to provide documented evidence of continuing education by the due date.

7. By failing to provide documented evidence of continuing education, Licensee has violated K.S.A. 65-7307(c), failing to provide evidence of satisfactory completion of 12 hours of continuing education.

8. In addition to any other penalty prescribed under the Radiologic Technologist Practice Act, K.S.A. 65-7313 and K.S.A. 65-2836a authorizes the Board to assess an administrative fine in an amount not exceeding \$5,000 for the first violation of the Radiologic Technologist Practice Act.

**IT IS, THEREFORE, ORDERED** Licensee is hereby fined \$250 for failure to respond to the Board's legal request for information. The fine is due within thirty days of the effective date of this order.

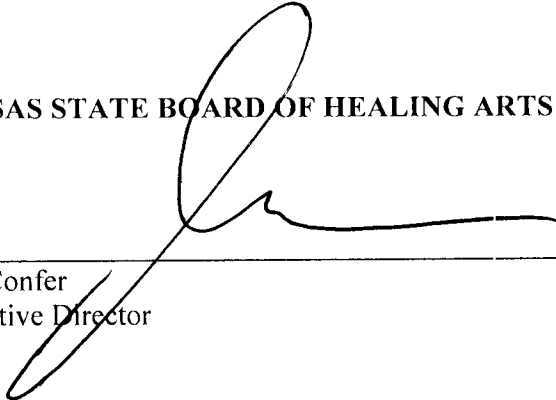
**IT IS FURTHER ORDERED** that licensee shall submit proof of the continuing education requirements for the previous year to the Board with fifteen days following service of this summary order.

**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 Jack Confer, Executive Director, 235 South Topeka Boulevard,  
Topeka, Kansas 66603.

DATED this 9<sup>th</sup> day of February, 2009.

**KANSAS STATE BOARD OF HEALING ARTS**



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Jack Confer  
Executive Director

**CERTIFICATE OF SERVICE**

I, do hereby certify that on the 4<sup>th</sup> day of February, 2009, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

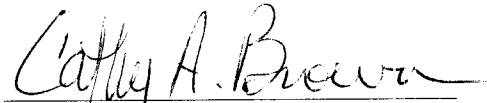
MERVIN HERSHBERGER, LRT  
6624 OAK GROVE RD  
KANSAS CITY, KS 66106

and a copy hand delivered to the office of:

Kathleen Selzler Lippert  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

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 Executive Director.

  
Cathy Brown  
Executive Assistant