

JAN 08 2020 *AD*

KS State Board of Healing Arts

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

In the Matter of Amanda Jarchow, L.R.T. Kansas License No. 22-05057)))))	KSBHA Docket No. 19-HA00109
--	-----------------------	------------------------------------

FINAL ORDER

On December 13, 2019, this matter came before the Kansas State Board of Healing Arts (“Board”) for a Conference Hearing on a Petition for discipline regarding Amanda Jarchow, LRT (“Licensee”). Licensee appeared in person, and through counsel, Matthew R. Williams, of Matthew R. Williams Law Office. Katie Baylie, Associate Litigation Counsel, appeared to present the position of the Disciplinary Panel of the Board. Dr. Balderston, Dr. Hutchins, and Mr. Kelly were recused.

Under the authority granted to the Board by the Kansas Radiologic Technologists Practice Act, K.S.A. 65-7301 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the arguments of the parties, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

PROCEDURAL HISTORY

On June 25, 2019, a Petition for discipline was filed against Licensee’s license to practice as a radiologic technologist in Kansas. A Notice of Hearing was filed and served on November 13, 2019, and November 26, 2019, setting a Conference Hearing regarding the Petition for discipline. No objection to the Notice of Hearing was filed.

The Conference Hearing in this matter was held before the Board on December 13, 2019.
¹ After oral argument from both parties, and testimony from the Licensee, the Board verbally stated it would issue a written Final Order within 30 days.

¹ In advance of the oral arguments, the Board was provided the entire agency record to facilitate a comprehensive understanding of the underlying matter, including all exhibits, briefs, and motions filed by the parties in advance of oral arguments. The entire agency record was considered by the Board in rendering its decision.

Final Order
In the Matter of Amanda Jarchow, LRT
KSBHA Docket No. 19-HA00109

FINDINGS OF FACT

1. Licensee disclosed on her renewal application that on January 14, 2018, she was arrested and charged with driving under the influence of alcohol, transportation of liquor in an open container, and failure to provide proof of vehicle insurance.
2. On the night of January 14, 2018, police saw a single vehicle with damage sitting on the shoulder of westbound I-70.
3. A Geary County Sherriff Office Deputy approached Licensee's vehicle. The Deputy detected an odor of alcohol, noticed Licensee's eyes were blood shot and watery, and observed multiple open Busch Light beer cans in the front and back passenger compartments.
4. Licensee denied being in an accident.
5. Licensee told the Deputy she ran out of gas and was on her way home to Topeka. The Deputy informed her she was 55 miles west of her designation.
6. Licensee admitted to the Deputy that she had been drinking.
7. The Standard Field Sobriety Tests were administered to Licensee, and her Preliminary Breath Test showed a BrAC of .239. The Intoxilyzer 9000 breath test showed a BrAC of .239.
8. She was arrested for driving under the influence.
9. Licensee was charged in Geary County District Court with three counts of driving under the influence of alcohol, failure to provide proof of insurance, and transportation of liquor in an open container.
10. In March 2018, she entered into a Diversion Agreement for 12 months.
11. The Diversion Agreement required Licensee to agree to, in pertinent part:
 - a. Not possessing or consuming any alcohol or beer during the diversion period;
 - b. Not entering into or remaining in any establishment whose primary income is from the sale of alcohol;
 - c. Submitting to any blood, breath, or urine testing at the request of law enforcement, probation officer, or treatment provider;
 - d. CONFIDENTIAL
and
 - e. Her driving privileges would be restricted and/or suspended.

Final Order

In the Matter of Amanda Jarchow, LRT
KSBHA Docket No. 19-HA00109

12. Based on this information, the Board CONFIDENTIAL
13. CONFIDENTIAL
14. CONFIDENTIAL
15. CONFIDENTIAL
16. Licensee submitted additional information for consideration in lieu of being required to CONFIDENTIAL
17. This additional information included:
- a. A letter from Licensee CONFIDENTIAL
 - b. A copy of her Diversion Agreement;
 - c. Kansas Department of Revenue ("KDR") Hearing Order;
 - d. Drivers License Suspension and Restriction Notice from the KDR Division of Vehicles;
 - e. The Ignition Interlock Restriction Notice showing Licensee will be subject to the interlock restriction until May 7, 2020; and
 - f. CONFIDENTIAL
18. At the Conference Hearing, Licensee asked for a monitoring term of less than three years.
19. CONFIDENTIAL
20. CONFIDENTIAL
21. CONFIDENTIAL

CONCLUSIONS OF LAW

I. Applicable Law

Under K.S.A. 65-7313(a), the license of an LRT may be limited, suspended, revoked, censured, reprimanded, find, or otherwise sanctioned by the board, if it is found that:

- (8) the licensee been found guilty of unprofessional conduct, as established by the rules and regulations.

K.A.R. 100-73-6(h) further defines unprofessional conduct as, committing conduct likely to deceive, defraud, or harm the public.

II. Conclusions of Law

- A. Licensee has violated K.S.A. 65-7313(a)(8), as further defined by K.A.R. 100-73-6(h), in that she has committed an act of unprofessional or dishonorable conduct likely to deceive, defraud, or harm the public.

The Board finds Licensee has violated K.S.A. 65-7313(a)(8), as further defined by K.A.R. 100-73-6(h), in that she has committed conduct likely to deceive, defraud, or harm the public. Based on the agency record, the Board finds Licensee engaged in conduct likely to harm the public when she drove while intoxicated, which ultimately resulted in a single car accident. She was arrested and charged for driving under the influence. Licensee entered into a Diversion Agreement, which in part prohibited her from consuming alcohol. Despite that agreement, Licensee continued to drink alcohol. Under all the circumstances of this case, it is clear the Licensee has committed acts of unprofessional or dishonorable conduct.

ORDER

CONFIDENTIAL

Licensee is required to enter into a **monitoring agreement** CONFIDENTIAL for a term of at least five years, within 15 days of issuance of this Final Order. Licensee must follow all of CONFIDENTIAL current and future recommendations for CONFIDENTIAL which include, but are not necessarily limited to:

- 1. CONFIDENTIAL
- 2. CONFIDENTIAL ;
- 3. CONFIDENTIAL ;
- 4. Attendance of monthly monitoring meetings;

Final Order
In the Matter of Amanda Jarchow, LRT
KSBHA Docket No. 19-HA00109

5.

CONFIDENTIAL

6.

CONFIDENTIAL

Licensee must immediately notify the Board of any revisions to the monitoring contract, and immediately provide a copy of such revised contract to the Board.

Licensee shall cause and ensure ^{CONFID}_{ENTIAL} provides to the Board quarterly monitoring reports that are due starting on March 20, 2020, and quarterly thereafter until the termination of this Final Order.

Licensee shall at all times keep Board staff informed of all her current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within 10 days of any such change.

CONFIDENTIAL

Licensee must immediately notify ^{CONFID}_{ENTIAL} and the Board's Compliance Coordinator if she ^{CONFID}_{ENTIAL} or fails to comply in any manner with the ^{CONFID}_{ENTIAL} monitoring contract and/or this Final Order.

All costs associated with this Final Order and the ^{CONFID}_{ENTIAL} monitoring contract are at Licensee's own expense.

This Final Order is not self terminating. After a period of five years, Licensee may request modification or termination of the Final Order for the Board's determination. For any time Licensee is not actively practicing radiologic technology in Kansas, the above provisions will remain in effect, but will be tolled and not counted towards reducing the five year timeframe.

All correspondence or communication between the Licensee and the Board relating to the Final Order shall be to:

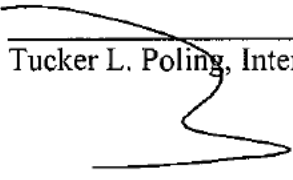
Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 Jackson, Lower Level-Suite A
Topeka, Kansas 66612
KSBHA_compliancecoordinator@ks.gov

Final Order
In the Matter of Amanda Jarchow, LRT
KSBHA Docket No. 19-HA00109

CONFIDENTIAL IT IS THEREFORE ORDERED, Licensee enter into a monitoring contract with for at least five years, subject to the provisions detailed in this Final Order.

IT IS SO ORDERED this 8th day of January 2020.

KANSAS STATE BOARD OF HEALING ARTS



Tucker L. Poling, Interim Executive Director

NOTICE OF APPEAL 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. Under K.S.A. 77-529, parties 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 Tucker L. Poling, Interim Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the above and foregoing **FINAL ORDER**, by depositing the same in the United States mail, postage prepaid, on this 8th of January 2020, addressed and emailed to:

Matthew R. Williams
Matthew R. Williams Law Office
100 SE 9th Street, Suite 260
Topeka, KS 66612
mrrw@mrrwlaw.com
Attorney for Licensee

Amanda Jarchow, LRT
CONFIDENTIAL

Licensee

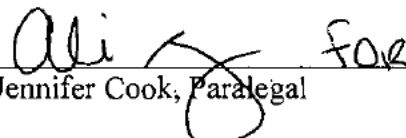
And a copy was hand delivered to:

Katie Baylie
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, KS 66612

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, KS 66612

and the original was filed with:

Tucker L. Poling, Interim Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level - Suite A
Topeka, Kansas 66612



Jennifer Cook, Paralegal

Final Order
In the Matter of Amanda Jarchow, LRT
KSBHA Docket No. 19thHA00109