

CAB

MAR 10 2017

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
JANICE JEFFERSON, R.T.)
)
Kansas License No. 16-02992)
_____)

KSBHA Docket No. 16-HA00070

**FINAL ORDER DENYING PETITION AND
TERMINATING CONSENT ORDER**

NOW on this 10th day of February, 2017, comes on for conference hearing before the Kansas State Board of Healing Arts (“Board”) the Petition for Discipline filed against Janice Jefferson, R.T.’s (“Licensee”) license to practice respiratory therapy in the State of Kansas. Jane Weiler, Associate Litigation Counsel (“Petitioner”), appears on behalf of the Petitioner Board. Licensee appears in person and *pro se*.

Pursuant to the authority granted to the Board by the Respiratory Therapy 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 agency record, hearing the statements and arguments of the parties, receiving exhibits into evidence, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is or has been entitled to engage in the practice of respiratory therapy in the State of Kansas, having been issued License No. 16-02992.
2. On December 8, 2003, Licensee entered into a Consent Order to resolve concerns regarding Licensee’s conviction of a felony in 2001.
3. The matter was first before the Board on April 8, 2016 regarding a Petition for Discipline which had been filed against Licensee’s license alleging violations of Licensee’s

Consent Order by Licensee's failure to notify Board Staff that she was no longer in compliance with her criminal probationary terms. The matter was continued until February 2017 to determine Licensee's compliance with the Consent Order.

4. Licensee's restitution payments have been monitored by the Board for 13 years.

5. Licensee testified that in the beginning of her criminal probation she maintained a monthly schedule of making restitution payments but due to a change in employment she was, for a time, unable to maintain that schedule. Licensee also stated that she takes full responsibility and has since restarted her payments. Further, Licensee stated that the incident underlying her conviction occurred many years ago, and that she has had no subsequent issues.

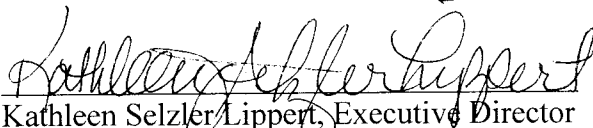
6. The Board takes into consideration the length of time that Licensee has been monitored without any concerns regarding her clinical practice, and the personal circumstances articulated by Licensee.

7. The Board concludes that the particular facts of this matter are outweighed by the mitigating factors and do not warrant discipline and that Licensee's ongoing monitoring is no longer necessary under the facts of this case.

IT IS THEREFORE ORDERED that the Petition is hereby denied and the Consent Order is terminated.

IT IS SO ORDERED THIS 9 DAY OF MARCH 2017, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

KANSAS STATE BOARD OF HEALING ARTS


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, Executive Director, Kansas Board of Healing Arts, 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 foregoing **FINAL ORDER** was served this 10th day of March 2017 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

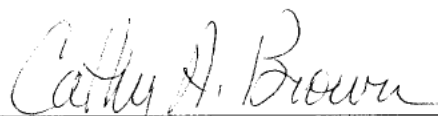
Janice Jefferson, RT
[REDACTED]
Grandview, MO 64030

And a copy was hand-delivered to:

Jane Weiler, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

John Nichols, 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