

FILED

MAY 07 2009

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

KS State Board of Healing Arts

In the Matter of)
Calli Johnson, R.T.)
)
Kansas License No. 16-03712)
_____)

Docket No. 09-HA00171

FINAL ORDER

NOW ON THIS 7th day of May, 2009, the above-entitled matter comes on before John (Jack) Confer, Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

1. On April 13, 2009, the Executive Director issued a Summary Order regarding the license of Calli Johnson, R.T. ("Licensee") to practice as a respiratory therapist in the State of Kansas. The Summary Order contained a provision suspending her license until such time as the application fee of \$80 and the return check fee of \$30 are paid.

2. 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 requesting a hearing.

3. No hearing has been requested by any party nor has Licensee paid the application fee of \$80 and the return check fee of \$30; therefore the Summary Order became effective as a Final Order on May 1, 2009.

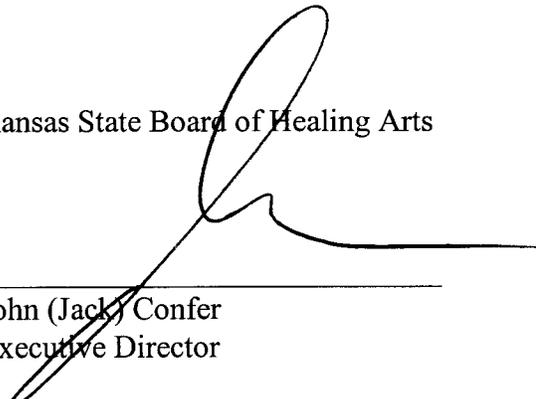
IT IS SO ORDERED.

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 Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603.

Dated this 7th day of May 2009.

Kansas State Board of Healing Arts



John (Jack) Confer
Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 7th day of May 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Calli Johnson
5001 S. 78th Street
Lincoln, NE 68516

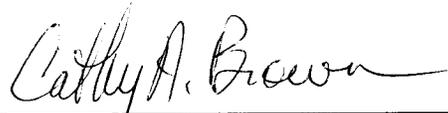
and a copy was hand-delivered to:

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

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

And the original was filed with the office of the Executive Director:

John (Jack) Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

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APR 13 2009

KS State Board of Healing Arts

In the Matter of)
CALLI JOHNSON, R.T.)
)
Kansas License No. 16-03712)
_____)

Docket No. 09-HA 00171

SUMMARY ORDER

NOW ON THIS 13th day of APRIL, 2009, this matter comes before John (Jack) Confer, Acting Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

Upon review of 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:

Findings of Fact

1. Calli Johnson, R.T. ("Licensee") was originally issued license number 16-03712 to practice respiratory therapy in the state of Kansas on December 12, 2008. Licensee's license is active.
2. Licensee's last known mailing address as provided to the Board at the time of her application is 5001 S. 78th Street, Lincoln, NE 68516.
3. On or about November 6, 2008, the Board received an application from Licensee for a respiratory therapist license.

4. On November 18, 2008, a letter was sent to Licensee requesting additional information so that her application could be processed, one of these requests was for the \$80.00 application fee, the letter stated “The visa card information you provided was declined. Please complete credit card for enclosed with different card or send a check or money order.”

5. Licensee then submitted check number 5243 dated December 1, 2008, drawn on the Minden Exchange Bank & Trust Co, PO Box 179, Minden, Nebraska, 68959 for \$80.00.

6. As a result on December 12, 2008, Licensee’s application was approved and her license was issued.

7. On December 18, 2008, the above listed check was returned to the Board office for insufficient funds.

8. On January 9, 2009, a letter was sent to Licensee, at all of her listed addresses, advising her that her check had been returned for insufficient funds and that she needed to remit a cashiers check or money order by January 23, 2009 for \$110.00. This was to cover the original application fee and the \$30 returned check charge. No response was received.

9. On January 27, 2009, a second notice was sent to Licensee, at all of her listed addresses, advising her that her check had been returned for insufficient funds and that she needed to remit a cashiers check or money order for \$110.00 by February 6, 2009.

10. As of April 1, 2009, Licensee has not remitted her application fee or the return check charge.

Applicable Law

11. K.S.A. 65-5506 states, in pertinent part: (a) An applicant applying for licensure as a respiratory therapist shall file a written application on forms

provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements:

(3) Fees: The applicants shall pay to the board all applicable fees established under K.S.A. 65-5509 and amendments thereto.

12. K.S.A. 65-5509 states, in pertinent part: (a) The board shall charge and collect in advance fees provided for in this act as fixed by the board by rules and regulations, subject to the following limitations:

Application fee, not more than \$80

13. K.S.A. 65-5510 states, in pertinent part: (a) The board ay deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

(1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(4) Violating any lawful order or rule and regulation of the board

(5) Violating any provision of this act.

Conclusions of Law

14. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

15. The Board finds that Licensee violated K.S.A. 65-5510 by failing to pay the application fee as provided for in K.S.A. 65-5506 and K.S.A. 65-5509.

16. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Calli Johnson, R.T.

IT IS, THEREFORE, ORDERED that: Licensee's license is hereby **SUSPENDED** until such time as the application fee of \$80 and the return check fee of \$30 are paid. Such payment shall be made by cashiers check or money order only.

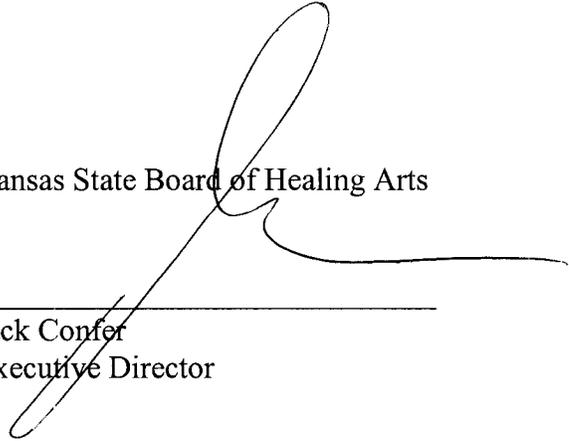
NOTICE AND OPPORTUNITY FOR HEARING

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 pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this 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 written request for hearing must be addressed and mailed to Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 13th day of April 2009.

Kansas State Board of Healing Arts



Jack Confer
Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 14th day of April, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Calli Johnson
5001 S. 78th Street
Lincoln, NE 68516

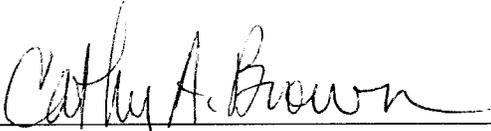
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Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Stacy R. Bond
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
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and the original was filed with the office of the Executive Director:

Jack Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant