

F I L E D

DEC 13 2001

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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
NANCY L. KISNER, R.T.)
Kansas License No. 16-01064)
_____)

Docket No. 02-HA-25

FINAL ORDER

NOW ON THIS Eighth Day of December, 2001, this matter comes before the Board for a conference hearing upon a Petition to Revoke, Suspend or Otherwise Limit the License of Nancy L. Kisner, R.T. Respondent Nancy L. Kisner appears in person and without counsel. Stacy L. Cook, Litigation Counsel, appears for Petitioner.

The material facts are not disputed. After hearing the statements of the record, and having the agency record and the record of Respondent's licensure history before it, the Board makes the following findings of fact, conclusions and orders.

1. Respondent was initially registered by the Board as a respiratory therapist February 26, 1990, and a full registration was issued June 15, 1990. That registration expired in 1994. On March 1, 2000, amendments to the respiratory therapy practice act took effect, resulting in licensure rather than registration of respiratory therapists. Respondent was granted a reinstated license on May 23, 2000. That license was not renewed and it expired on March 31, 2001. It was not reinstated until August 7, 2001.

2. In March, 2001 Respondent applied for a position with the Home Health Services department of Via Christi Health System and presented to the department what purported to be a

license identification card with an expiration date of March 31, 2002. Respondent knew that her previous card had been altered to reflect an incorrect expiration date.

3. By falsely representing herself as a licensee of the Board with an identification card known to have been altered, Respondent has violated K.S.A. 2000 Supp. 65-5514, which makes prohibits persons from holding themselves out to the public as a licensed respiratory therapist unless licensed by the Board. The Board finds that this conduct is likely to deceive or defraud the public, which is included in the definition of unprofessional conduct appearing at K.A.R. 100-55-5(q). The Board is authorized by K.S.A. 65-5510 to suspend a license upon a finding that the licensee has violated any provision of the respiratory therapy practice act or has engaged in unprofessional conduct.

4. **(Confidential)**

(Confidential)

(Confidential) The details **(Confidential)** in this instance do not establish independent grounds for denial of either reinstated license, though the information might have lead to the discovery of other material facts reflecting upon Respondent's suitability for licensure. The Board finds that Respondent obtained these reinstated licenses by concealment of material facts.

5. The Board also finds that Respondent's multiple acts of dishonesty, along with her lack of self composure at the conference hearing, give reason to suspect the public might be at risk by Respondent's practice of a healing profession. **(Confidential)**

(Confidential)

IT IS, THEREFORE, ORDERED that the license of Nancy L. Kisner is hereby

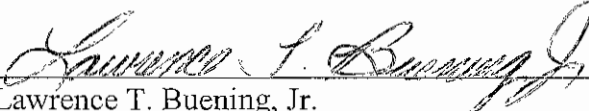
suspended for a period of not less than 30 days.

IT IS FURTHER ORDERED that prior to the removal of the suspension, Respondent
(Confidential)

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. 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. 77-610, *et seq.* Reconsideration of the 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 the Board's Executive Director at 235 S. Topeka Boulevard, Topeka, Kansas 66603.

DATED this 13th day of December, 2001.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing order was served this 13th day of December, 2001 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Nancy L. Kisner
908 E. 6th
Pratt, KS 67124

and a copy was hand-delivered to the office of:

Kelli J. Benintendi
Associate Counsel
235 S. Topeka Blvd.
Topeka, Kansas 66603

