

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED

APR 20 1992

IN THE MATTER OF)
)
STEVEN D. LA LONDE, RT)
Kansas Registration No. 00117)
_____)

KANSAS STATE BOARD OF
HEALING ARTS
Case No. 9200121

FINAL ORDER

This matter comes on for consideration of the Petition for Reconsideration filed April 15, 1992 by Respondent/Registrant, Steven D. La Londe, RT (Registrant) in which Registrant requested "administrative reconsideration of actions of the Kansas State Board of Healing Arts pursuant to K.S.A. 77-529 . . . " The Board specifically notes that the "Petition for Reconsideration" was a timely filing made within fifteen (15) days of the Initial Order in compliance with the notice of review section on page eight of the Initial Order. The Board specifically notes the notice of review provision indicates "a Petition for Review of this Order must be filed within fifteen (15) days of service of this order pursuant to K.S.A. 77-527(b)." The Board notes that the Registrant's Petition for Reconsideration is filed under K.S.A. 77-529 which is reserved for reconsideration of a Final Order. The Initial Order in this case was filed in the Board office March 30, 1992 and no Final Order has been issued by the Board relative to this case except for the current Final Order as is reflected in this document.

K.S.A. 77-527 states that an agency shall review an Initial Order except to the extent that the agency determines not to exercise any review. K.S.A. 77-527(a)(2)(A).

The Board accepts the Petition for Reconsideration as a Petition for Review under K.S.A. 77-527 instead of the Petition for Reconsideration filed under K.S.A. 77-529 based on a principle of equity and fairness to Registrant. While recognizing substance over form, the April 15, 1992 Petition for Reconsideration filed by Registrant shall not be accepted for review by the agency.

Without specific review of all matters addressed in the Initial Order, public record or transcripts of the proceedings, the Board specifically exercises its quasi-judicial authority on review and as an application of discretion in compliance with Kansas law determines not to exercise any review based on the content of Registrant's Petition for Reconsideration.

In compliance with K.S.A. 77-530 an Initial Order shall become effective and shall become the Final Order of the Board if the agency states that review will not be exercised after a Petition for Review has been filed and serves an Order so stating. Furthermore, in compliance with K.S.A. 77-530(a) unless a later date is stated in a Final Order, a Final Order is effective upon service. In compliance with K.S.A. 77-531, service of an Order shall be made upon the party and the party's attorney of record by mailing a copy of the Order to the person at the person's last

known address and the party's attorney of record. Service by mail is complete upon mailing.

The Board specifically notes that no additional Petitions for Review under K.S.A. 77-527 has been filed by the Board's Disciplinary Counsel nor does the Board exercise its right under K.S.A. 77-527 to exercise review on its own Motion.

IT IS THEREFORE THE ORDER OF THE BOARD that review not be exercised based on the "Petition for Reconsideration" filed April 15, 1992 by Registrant. The registration of Steven D. La Londe, RT, Kansas Registration Number 00117, is hereby revoked and all rights and privileges associated with the designation of Registrant as a respiratory therapist in the state of Kansas is revoked effective April 20, 1992.

NOTICE REGARDING RELIEF OF THIS ORDER

This is a Final Order. The party against whom this Final Order was issued may seek relief within thirty (30) days after service by filing a Petition for Judicial Review in the District Court of proper venue pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 et seq.

Any party, within fifteen (15) days after service of a Final Order may file a Petition for Reconsideration with the Board stating the specific grounds upon which relief is requested. This is not required as a prerequisite to obtaining review.

This Final Order shall become effective upon service.

**STEVEN D. LA LONDE, RT
FINAL ORDER**

IT IS SO ORDERED THIS 20th day of April, 1992 in Topeka,
Shawnee County, Kansas.


LAWRENCE T. BUENING, JR.
Executive Director

Prepared By:


Steve A. Schwarm #13232
General Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

CERTIFICATE OF SERVICE

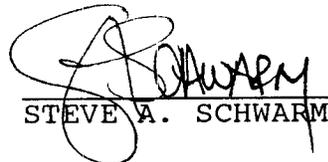
I, Steve A. Schwarm, General Counsel, hereby certify that on
the 20th day of April, 1992, a true and correct copy of the above
and foregoing FINAL ORDER was deposited in the United States mail,
postage prepaid, to the following:

Steven D. La Londe, RT
9321 W. 16th
Wichita, Kansas 67212

Marvin R. Appling, Esq.
P.O. Box 3386, 130 E. Murdock
Wichita, Kansas 67201-3886

and a copy was hand-delivered to:

Debra L. Billingsley
Disciplinary Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603


STEVE A. SCHWARM

STEVEN D. LA LONDE, RT
FINAL ORDER