

FILED

DEC 26 2002

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

**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
Michael G. Levan, R.T.)
Application for License)
_____)

Docket No. 03-HA-30

FINAL ORDER FOLLOWING CONFERENCE HEARING

NOW, on this 14th day of December, 2002, comes on before the Kansas State Board of Healing Arts (“Board”) the Application for Licensure as a Respiratory Therapist filed by Michael G. Levan, R.T. (“Applicant”). Applicant appears in person *pro se*. Kelli J. Benintendi, Associate Counsel, appears for the Board.

After reviewing the file, hearing statements and arguments of the parties, and being otherwise duly advised in the premises, the Board finds and orders as follows:

1. Applicant filed an Application for Licensure as a Respiratory Therapist in the Board office on November 18, 2002.

2. As part of the Application, Applicant answered question #6 in the affirmative and disclosed that on or about October 9, 1998, Applicant was convicted of theft, a class 2 felony, in the Circuit Court of LaSalle County, Illinois, for offenses occurring between January 1, 1995 and April 8, 1997.

3. K.S.A. 2001 Supp. 65-5510 provides that the Board may deny an application for a license to practice respiratory therapy, based on unprofessional conduct, if the applicant has been convicted of a felony if the acts for which the applicant was convicted have a direct bearing on whether applicant should be entrusted to serve the public in the capacity of a respiratory therapist.

4. Applicant has provided evidence that he will not pose a threat to the public as a respiratory

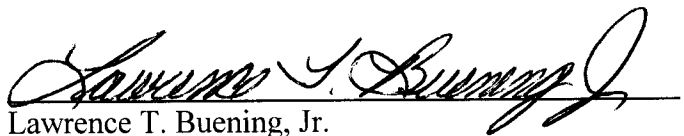
therapist and that he has been sufficiently rehabilitated to be entrusted to serve the public in the capacity of a respiratory therapist.

IT IS THEREFORE ORDERED that Applicant's Application for Licensure as a Respiratory Therapist should be granted.

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 Blvd., Topeka, KS 66603.

DATED this 26th day of December 2002.

KANSAS STATE BOARD OF HEALING ARTS

A handwritten signature in black ink, appearing to read "Lawrence T. Buening, Jr.", written over a horizontal line.

Lawrence T. Buening, Jr.
Executive Director

CERTIFICATE OF SERVICE

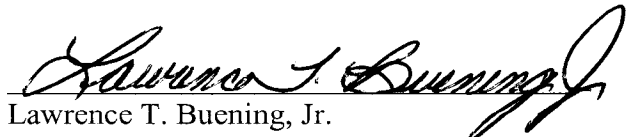
I, Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, do hereby certify that on the 27th day of December, 2002, a true and correct copy of the above and foregoing **Final Order Following Conference Hearing** was deposited in the United States mail, postage prepaid, first class to the following:

Michael G. Levan
3005 NW 83rd Terrace
Kansas City, MO 64151

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

Kelli J. Benintendi, Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

and the original was filed with the office of Executive Director.


Lawrence T. Buening, Jr.
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603
(785) 296-3680

LTB