

**FILED** CAB

DEC 16 2010

KS State Board of Healing Arts

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

**In the Matter of** )  
**Timothy Lowry, RT** )  
**License No. 16-03557** )  
\_\_\_\_\_ )

Docket No. 08-HA00049

**JOURNAL ENTRY OF SATISFACTION OF REQUIREMENTS OF CONSENT  
ORDER**

This matter comes before the Kansas State Board of Healing Arts (“Board”) upon a motion by Timothy Lowry, RT concerning satisfaction of all of the requirements contained in the Consent Order entered into by the Board and the Licensee on October 19, 2009. The Board enters Findings of Fact, Policy Reasons and Conclusions of Law as follow:

**I. Findings of Fact**

The Board has been shown the following facts:

1. Timothy Lowry (“Licensee”), (confidential) Lawrence, Kansas 66049, is licensed to practice as a Respiratory Therapist in the State of Kansas, License No. 16-03557. Licensee was issued a license on approximately September 17, 2007.
2. On or about October 23, 2007, Licensee entered into a Consent Order with the Board.
- 3.

(confidential)

4.

(confidential)

5.

6. On October 28, 2008, Licensee requested the monitoring requirements on his license be lifted.

7.

(confidential)

8. On October 1, 2010, Licensee submitted a request to terminate the Consent Order.

9.

(confidential)

## **II. Applicable Law**

- a. K.S.A. 65-5501 et seq. – Respiratory Therapy Practice Act
- b. K.A.R. 100-55-5 – Respiratory Therapy – Unprofessional Conduct

### **III. Public Policy Statement**

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

### **IV. Conclusions of Law**

Based upon the Findings of Fact enumerated in Paragraphs #1 through #9, the Applicable Law and the Public Policy Statement set forth above:

#### **THE BOARD HEREBY CONCLUDES AS FOLLOWS:**

10.

(confidential)

11.

12. On October 1, 2010, Licensee submitted a request to have the Consent Order terminated.

13.

(confidential)

14. The terms of the Consent Order are not self-terminating.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:**


15. The Licensee has satisfied all of the requirements of the October 23, 2007

Consent Order and has no further obligation for compliance.

16. The Board shall maintain jurisdiction over this matter to issue any Order(s)

deemed necessary and appropriate.

**IT IS SO ORDERED THIS 15 DAY OF Dec, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
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. 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, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

**CERTIFICATE OF SERVICE**

I, hereby certify that a true copy of the foregoing Final Order was served this 16<sup>th</sup> day of December, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Timothy Lowry, RT  
(confidential)  
Lawrence, KS 66049

And a copy was hand delivered to the office of:

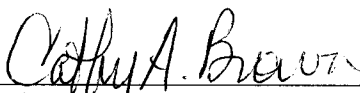
Kelli J. Stevens  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

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

Melissa Massey  
Public Service Administrator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant