

FILED CAB

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

AUG 03 2009

KS State Board of Healing Arts

In the Matter of)
)
Joane M. Martin, R.T.)
Kansas License No. 16-02988)
_____)

Docket No. 09-HA00209

**JOURNAL ENTRY OF SATISFACTION
OF REQUIREMENTS OF FINAL ORDER**

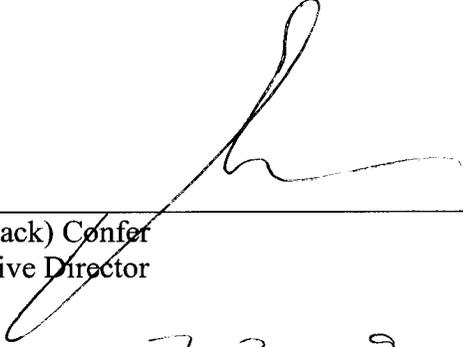
NOW on this 31st day of July, 2009, this matter comes before John (Jack) Confer, Executive Director, Kansas Board of Healing Arts ("Board"), concerning Licensee's satisfaction of all requirements contained in the Final Order which was filed on July 8, 2009. Wherefore, the Board finds as follows:

1. On or about July 8, 2009, the Board issued a Final Order regarding the license of Joane M. Martin, R.T. ("Licensee") to practice radiologic technology in the state of Kansas. The Final Order contained a provision for Licensee to pay a fine in the amount of \$150 within 30 days of the effective date of the Summary Order. The Summary Order became effective as a Final Order on July 6, 2009.
2. Licensee paid the \$150 fine on July 10, 2009.
3. Licensee has satisfied all requirements of the Final Order and has no further obligation for compliance.

IT IS THEREFORE ORDERED that Licensee is hereby discharged from the requirements of the Final Order filed on July 8, 2009.

IT IS SO ORDERED.

KANSAS BOARD OF HEALING ARTS



John (Jack) Confer
Executive Director

Date

7-31-09

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing **Journal Entry of Satisfaction** was served on the 3rd day of ~~July~~ ^{Aug.}, 2009 by United States mail, first-class postage pre-paid and addressed to:

Joane M. Martin, R.T.
PO Box 481
Ulysses, KS 67880

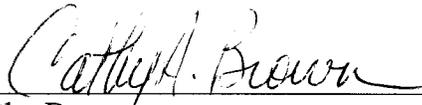
and a copy was hand-delivered to:

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

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065

and the original was hand-delivered for filing with the office of the Executive Director:

Jack Confer
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Cathy Brown
Executive Assistant

FILED *CAF*

JUL 08 2009

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

KS State Board of Healing Arts

In the Matter of)
Joane M. Martin, R.T.)
)
Kansas License No. 16-02988)
_____)

Docket No. 09-HA00209

FINAL ORDER

NOW ON THIS 8th day of July, 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 June 16, 2009, the Executive Director issued a Summary Order regarding the license of Joane M. Martin, R.T. ("Licensee") to practice as a respiratory therapist in the State of Kansas. The Summary Order contained a provision which imposed a civil fine of \$150.00.

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; therefore the Summary Order became effective as a Final Order on July 6, 2009.

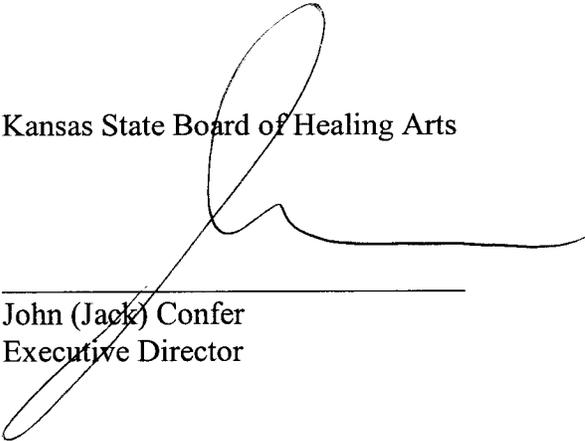
IT IS SO ORDERED.

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 8th **day of July 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 8th day of July 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Joane M. Martin, R.T.
419 E. Kansas
Ulysses, Kansas 67880

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

Melissa Massey

Compliance Coordinator
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 *CAB*
JUN 16 2009

KS State Board of Healing Arts

In the Matter of)
JOANE M. MARTIN, R.T.)
)
Kansas License No. 16-02988)
_____)

Docket No. 09-HA 00209

SUMMARY ORDER

NOW ON THIS 16th day of JUN, 2009, this matter comes before John (Jack) Confer, 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. Joane M. Martin, R.T. ("Licensee") was originally issued license number 16-02988 to practice as a respiratory therapist in the State of Kansas on December 2, 2003. Licensee's license is currently active.
2. Licensee's last known mailing address as provided to the Board at the time of her application for reinstatement is 419 E. Kansas, Ulysses, KS 67880.
3. On or about July 28, 2008, the Board received an application from Licensee for reinstatement of her respiratory therapist license. Licensee's license had been cancelled for failure to

renew on May 13, 2008.

4. In her application, Licensee lists all professional activities since the cancellation of her license. Licensee states that she worked at Bob Wilson Hospital in respiratory care from April 2007 to the present. Licensee further explains that it is her belief that due to an address change that she did not receive her annual renewal notice. That on July 1, 2008, she discovered that she had failed to renew her license.

5. Licensee in a request for further information stated that she worked as a respiratory therapist as usual from May 1, 2008 until July 1, 2008 when she realized her license had been cancelled. From July 1, 2008 until September 22, 2008 when her license was reinstated, Licensee states that all respiratory therapy performed by her was in the presence of a licensed respiratory therapist.

6. Licensee's license was reinstated on September 22, 2008. Licensee worked from May 13, 2008 until July 1, 2008 as a respiratory therapist without being properly licensed or supervised by a licensed respiratory therapist.

Applicable Law

7. K.S.A. 65-5510 states, in pertinent part: (a) The Board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensee or applicant for 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:

(5) violating any provision of this act.

(c) The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed

\$5000 for the first violation. . . .

8. K.S.A 65-5514 states, in pertinent part: (a) On or after March 1, 2000, is shall be unlawful for any person who is not licensed under this act as a respiratory therapist . . . to practice the art and science of respiratory therapy as herein defined.

Conclusions of Law

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

10. That by continuing to engage in the practice of respiratory therapy from May 13, 2008 to July 1, 2008, without being properly licensed or properly supervised by a licensed respiratory therapist, Licensee was in violation of K.S.A. 65-5514 and K.S.A. 65-5510(a)(5).

11. The Board finds that Licensee practiced as a respiratory therapist without being licensed or properly supervised from May 13, 2008 until July 1, 2008.

12. 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, Joane M. Martin, R.T.

IT IS, THEREFORE, ORDERED that Licensee is hereby assessed a civil fine of \$150 due and payable within thirty days of the effective date of this Order.

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 16th day of JUN 2009.

Kansas State Board of Healing Arts



Jack Confer
Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 16th day of _____, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Joane M. Martin, R.T.
419 E. Kansas
Ulysses, KS 67880

and a copy was hand-delivered to:

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

Topeka, KS 66603

Melissa Massey
Compliance Monitor
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.
Topeka, Kansas 66603

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