

**FILED** CAB  
JUN 25 2013  
KS State Board of Healing Arts

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

In the Matter of )  
RICHARD W. MARTIN, R.T. )  
 )  
Kansas License No. 16-04365 )  
 )  
\_\_\_\_\_ )

**KSBHA Docket No. 13-HA00103**

**FINAL ORDER GRANTING LICENSURE AND  
WAIVER OF EDUCATION REQUIREMENT**

NOW on this 14 day of June 2013, comes before the Kansas State Board of Healing Arts (“Board”) the application of Richard W. Martin, R.T. (“Applicant”) for a license to practice respiratory therapy in the State of Kansas. Applicant appears via teleconference and *pro se*. Seth Brackman, Associate Litigation Counsel, appears on behalf of the Board.

Pursuant to the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-5501, *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501, *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. On or about May 3, 2013, Applicant submitted an application to the Board for licensure as a respiratory therapist in the State of Kansas. Such application was complete and filed with the Board on May 7, 2013.
2. Applicant did not attend a respiratory therapy school nor did he receive a degree in respiratory therapy.

Final Order Granting Licensure and Waiver of Education Requirement  
Richard W. Martin R.T.  
KSBHA Docket No. 13-HA00103

3. Applicant has been licensed as a respiratory therapist in the State of Nebraska since 1997. There are no disciplinary actions against his Nebraska license.

4. Applicant has been licensed as a respiratory therapist in the State of Iowa since 2008. There are no disciplinary actions against his Iowa license.

5. Applicant currently works as a respiratory therapist at Saint Jude Hospice and Genesis Rehab Services, both in Omaha, Nebraska and at Apria Healthcare in Lincoln, Nebraska.

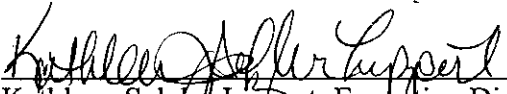
6. Applicant passed the National Board of Respiratory Care examination in May 1975.

7. Pursuant to K.S.A. 65-5508(a), “[T]he board may waive the examination, education or experience requirements and grant licensure to any applicant who presents proof of current licensure or registration as a respiratory therapist in another state . . . which requires standards for licensure or registration determined by the board to be equivalent to the requirements for licensure under his act.”

8. The Board concludes that the Applicant has demonstrated satisfactory fulfillment of K.S.A. 65-5508(a) to be granted a waiver of the educational requirements for a license as a respiratory therapist in the State of Kansas and that Applicant should be granted a Kansas license based on his Nebraska and Iowa licenses.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** that Applicant is hereby granted waiver of the education requirements and is further granted a license to practice respiratory therapy in the State of Kansas.

IT IS SO ORDERED THIS 24 DAY OF JUNE, 2013 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, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

Final Order Granting Licensure and Waiver of Education Requirement  
Richard W. Martin R.T.  
KSBHA Docket No. 13-HA00103

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER GRANTING LICENSURE AND WAIVER OF EDUCATION REQUIREMENT** was served on this 25<sup>th</sup> day of June, 2013, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

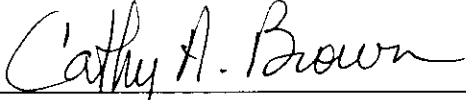
Richard W. Martin  
Confidential  
Lincoln, NE 68506

And a copy was hand-delivered to:

Seth Brackman, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Katy Lenahan, Licensing Administrator  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

  
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Cathy Brown, Executive Assistant