

FILED CAB

DEC 21 2010

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
)
PENNY M. MCKENZIE, L.R.T.)
Kansas License No. 22-01058)
_____)

KSBHA Docket No. 11-HA 00052

SUMMARY ORDER

NOW ON THIS 20th day of Dec, 2010, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

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:

1. Penny M. McKenzie, L.R.T. ("Licensee") was originally issued license number 22-01058 to practice radiologic technology in the State of Kansas on October 10, 2005. Licensee's license is currently active, having last renewed on or about October 1, 2010.

2. Licensee's last known mailing address as provided to the Board is confidential confidential Smith Center, Kansas 66967.

3. On or about September 2, 2009, Licensee signed an affidavit that indicated that she was the supervisor for the radiology department at Smith County Memorial Hospital and had been for approximately nine years. While employed as the supervisor, she had on numerous occasions post-dated daily processor films and charts, as well as weekly mammography phantom films. Licensee admitted that on several occasions she had processed several processor daily quality control films, at

least four of five at a time and post-dated and charted them. This was done either when she was absent the day the tests were due to be performed and no one else performed the tests on that date, or if she had forgotten to perform the tests on the day the tests were due. Licensee admitted that she also post-dated phantom films for the same reason and also knowingly submitted processor quality control charts and phantom charts containing false information during the May 27, 2009 MQSA Inspection.

4. On or about September 3, 2009, Licensee was suspended from Smith County Memorial Hospital confidential

5. On or about September 4, 2009, Licensee's employment with Smith County Memorial Hospital was terminated confidential

6. All pending investigation materials were fully reviewed and presented to the Board's Disciplinary Panel No. 25. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specified disciplinary sanctions.

7. The conduct of Licensee is found to constitute unprofessional conduct as defined by the Radiologic Technologists Practice Act in violation of K.S.A. 65-7313(a)(8), K.A.R. 100-73-6(d) and K.A.R. 100-73-6(h), in that Licensee has committed acts of unprofessional conduct; specifically, Licensee has been sanctioned by a peer review committee, or medical care facility, and Licensee has committed conduct likely to deceive, defraud or harm the public.

IT IS THEREFORE ORDERED that Licensee shall be **PUBLICLY CENSURED** for the above referenced violations of the Radiologic Technologists Practice Act.

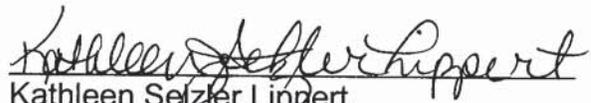
PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-

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 Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Boulevard, Topeka, Kansas 66603. **If the request is made after January 13, 2011, please address your written request to Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612, as our office will be moving during the week of January 13th through January 17, 2011.**

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and reported to any reporting entities authorized to receive such disclosures.

Dated this 20th day of Dec, 2010.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Executive Director

CERTIFICATE OF SERVICE

I, Cathy Brown, hereby certify that I served a true and correct copy of the above and foregoing **SUMMARY ORDER** on the 21st day of December, 2010, via United States mail, first-class postage prepaid and addressed to the following:

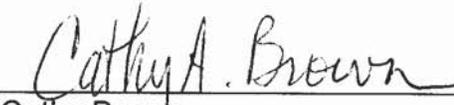
Penny M. McKenzie, L.R.T.
confidential
Smith Center, Kansas 66967

and the original was hand-delivered for filing to:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
235 S. Topeka, Boulevard
Topeka, Kansas 66603

and a copy was hand-delivered to:

Julia A. Mowers, Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603


Cathy Brown