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APR 10 2006

In the Matter of )  
)  
**Danielle McNaught, R.T.,** )  
Kansas License No. 16-03095 )  
\_\_\_\_\_ )

 State Board of Healing Arts

Docket No. 06-HA 88

**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts (“Board”) by and through Kelli J. Stevens, Litigation Counsel (“Petitioner”), and Danielle McNaught, R.T. (“Licensee”), *pro se*, and move the Board for approval of a Consent Order affecting Licensee’s license to practice respiratory therapy in the State of Kansas. The parties stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is RT 1 Box 187, Neodesha, KS, 66757.

2. Licensee is or has been entitled to engage in the practice of respiratory therapy in the state of Kansas, having been issued License No. 16-03095 on August 27, 2004. Licensee last renewed her license on March 4, 2005.

3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of respiratory therapy. K.S.A. 65-5501 et seq.; K.S.A. 65-5503.

4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board’s Final Order.

5. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Licensee agrees that, in considering this matter, the Board is not beyond its jurisdiction as provided by law.

6. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

8. At all relevant times, Licensee was practicing respiratory therapy at Coffeyville Regional Medical Center (“Coffeyville”) in Coffeyville, Kansas and Via Christi Medical Center (“Via Christi”) in Wichita, Kansas.

9. On or about October 30, 2004, while on duty at Coffeyville Regional Medical Center (“CRMC”), Licensee charted that she gave Nebulizer breathing treatments to seven (7) patients, when in fact, the seven (7) patients did not receive such breathing treatments.

10. Licensee also admits to charting that she performed chest physical therapy on a patient, when in fact, she did not do so.

11. Licensee was subsequently terminated from her employment with CRMC.

12. On or about November 7, 2004, while on duty at Via Christi, Licensee falsified documents regarding the treatment of patients during her shift, including modifying the start times of respiratory therapy activities. Numerous inconsistencies within her documentation of that evening's activities were also found.

13. On or about November 10, 2005, Licensee was terminated from her employment with Via Christi.

14. Pursuant to K.S.A. 65-5510(2), as further defined by K.A.R. 100-55-5(q), the Board has authority to revoke, suspend, censure, impose a fine or otherwise limit Licensee's license in that Licensee committed conduct likely to deceive, defraud or harm the public.

15. Pursuant to K.S.A. 65-5510(2), as further defined by K.A.R. 100-55-5(i), the Board has authority to revoke, suspend, censure impose a fine or otherwise limit Licensee's license in that Licensee has been disciplined by a medical care facility for acts or conduct that would constitute grounds for denial, refusal to renew, suspension, or revocation of a license under K.S.A. 65-5510 and amendments thereto.

16. According to K.S.A. 77-505, the Board has authority to enter into this Consent Order without necessity of proceeding to a formal hearing.

17. In lieu of the conclusion of formal proceedings and/or the making of findings by the Board, Licensee, by signature affixed to this Consent Order, hereby

voluntarily agrees to the following disciplinary measure placed on her license to engage in the practice of respiratory therapy:

- a. Licensee is publicly CENSURED for violating the Respiratory Therapy Practice Act; and
- b. Licensee is hereby FINED in the amount of \$500.00. The fine shall be paid in full on or before May 15, 2006.

18. This Consent Order constitutes disciplinary action.

19. Licensee's failure to comply with the provisions of the Consent Order will result in the Board taking disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

20. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Respiratory Therapy Act.

21. Licensee hereby releases the Board, its employees and agents, from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to

prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Board, its employees or agents, arising out of acts leading to the execution of this Consent Order or the content of this Consent Order.

22. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record, and shall be reported to the any reporting entities requiring or authorized to receive disclosure of this Consent Order.

23. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

24. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

25. Licensee by signature to this document, waives any objection to the participation of the Board members in the consideration of this offer of settlement, and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

26. Licensee acknowledges that she has read this Consent Order and fully understands the contents.

27. All correspondence or communication between Licensee and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas Board of Healing Arts, Attn: Kelli J. Stevens, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

28. Licensee shall obey all federal, state, and local laws and rules governing the practice of respiratory therapy in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

29. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 77-505. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further order is required.

30. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

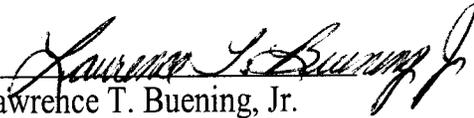
**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board, and is the Order of the Board.

**IT IS FUTHER ORDERED** that:

- a. Licensee is publicly CENSURED for violating the Respiratory Therapy Act; and
- b. Licensee is hereby FINED in the amount of \$500.00. The fine shall be paid in full on or before May 15, 2006.

**IT IS SO ORDERED.**

**FOR THE KANSAS STATE  
BOARD OF HEALING ARTS:**

  
Lawrence T. Buening, Jr.  
Executive Director

4/10/06.  
Date

  
Danielle McNaught, R.T.  
Licensee

3/27/16  
Date

**PREPARED AND APPROVED BY:**

  
Kelli J. Stevens #16032  
Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065  
(785) 296-7413

## Certificate of Service

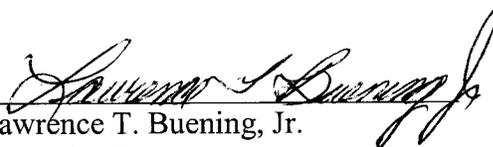
I certify that a true copy of the foregoing Consent Order was served this 10th day of April, 2006, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Danielle McNaught, R.T.  
Rt 1 Box 187  
Neodesha, KS 66757

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

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

and the original was hand-delivered for filing to the office of the Executive Director.

  
Lawrence T. Buening, Jr.  
Executive Director