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MAY 03 2011

KS State Board of Healing Arts

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

<b>In the Matter of</b>	)	
<b>Gene Moore, RT</b>	)	
<b>License No. 16-00569, Canceled</b>	)	<b>KSBHA Docket No.:11-HA00073</b>
	)	
<b>Application for Reinstatement</b>	)	
_____	)	

**FINAL ORDER FOLLOWING CONFERENCE HEARING**  
**(Pursuant to K.S.A. 77-501 et seq.)**

**NOW** on this 15th day of April, 2011, comes before the Kansas State Board of Healing Arts (“Board”) the Reinstatement Application of Gene Moore, RT (“Applicant”) for a license to practice respiratory therapy in the State of Kansas. Applicant appears *pro se*. Stacy Bond, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to Board by K.S.A. 65-2801 *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 file, hearing the statements and arguments of Ms. Bond, hearing the testimony of the Applicant and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions and order:

**I. Findings of Fact**

The Board has been shown the following facts:

1. Applicant submitted a Reinstatement Application for Respiratory Therapy (“Application”) to the Board on February 23, 2011, and such Application was filed with the Board on March 24, 2011.

2. Applicant’s mailing address as provided to the Board is: 138 E. 24<sup>th</sup> Street, Ste. 15, Greeley, Weld County, Colorado, 80631.

3. Applicant previously held a respiratory therapy license in Kansas, having been issued license number 16-00569 in 1987. Such license was canceled for failure to renew in May of 2001.

4. Since cancelation of his Kansas respiratory therapy license, Applicant has been licensed and actively practiced respiratory therapy in California and Colorado.

5. Applicant has not practiced respiratory therapy during the nine (9) months preceding submission of his Reinstatement Application.

## **II. Applicable Law**

K.S.A. 65-5512(c) Any license canceled for failure to renew as herein provided may be reinstated upon recommendation of the board and upon payment of the reinstatement fee and upon submitting evidence of satisfactory completion of any applicable continuing education requirements established by the board. The board shall adopt rules and regulations establishing appropriate continuing education requirements for reinstatement of licenses canceled for failure to renew.

K.A.R. 100-5-8(a) Each applicant desiring to reinstate a license that has been expired for more than 30 days shall submit proof of continuing education as follows:

(1) If the time since the license expired has been one year or less, no continuing education in addition to that which would have been necessary had the license been renewed before expiration shall be required;

(2) If, since the date the license expired, the applicant has been in the active practice of respiratory therapy in another state or jurisdiction that requires a license, registration, or certification to practice, the applicant shall submit proof of the current license, registration, or certification, and compliance with the continuing education requirements of that jurisdiction.

(3) If the time since the license expired has been more than one year but less than five years, the applicant shall provide one of the following:

(A) Evidence of completion of a minimum of 24 contact hours of continuing education;  
or

(B) proof that the applicant has passed one of the examinations required for a license within 12 months of the date the application was submitted.

(4) If the time since the license expired has been five years or more, the applicant shall provide proof that the applicant has passed one of the examinations required for a license within 12 months of the date the application was submitted.

K.S.A. 77-501 *et seq.* – Kansas Administrative Procedure Act

### **III. Conclusions**

Based upon the Findings of Fact enumerated in Paragraph Nos. 1 through 5, and the Applicable Law set forth above, the Board hereby concludes as follows:

6. Applicant has demonstrated satisfactory compliance with K.A.R. 100-5-8(a)(2) to be granted reinstatement of his license to practice respiratory therapy in Kansas.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** that Applicant is hereby granted reinstatement of his license to practice respiratory therapy in Kansas.

**IT IS SO ORDERED THIS** 3<sup>rd</sup> **DAY OF** May, 2011, **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 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true copy of the foregoing Final Order was served this 3rd day of May, 2011 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Gene Moore, RT  
138 E. 24<sup>th</sup> Street, Ste. 15  
Greeley, CO 80631

And a copy was hand-delivered to the following:

Stacy Bond, 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

The original was filed with the office of:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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