

EFFECTIVE AS A FINAL ORDER

DATE: 12/28/18

FILED: BV  
DEC 04 2018

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of )  
 )  
Nicole Moreland, LRT )  
Kansas License No. 22-04827 )  
\_\_\_\_\_ )

KSBHA Docket No. 19-HA 00045

SUMMARY ORDER

NOW ON THIS 4 day of DEC, 2018, 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.

Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service. 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. Nicole L. Moreland ("Licensee") was originally issued license number 22-04827 to practice as a Radiologic Technologist in the state of Kansas on October 15, 2014. On or about November 1, 2017, Licensee's license status was changed to Cancelled for Failure to Renew. As of November 28, 2018, Licensee's license status is currently Cancelled for Failure to Renew.
2. Licensee's last known mailing address to the Board is: [REDACTED] Kansas City, Kansas 66112.
3. From March 2016 to June 2018, Licensee was employed as a "Medical Support X-Ray Specialist" with U.S. Healthworks in Kansas City, Kansas. Licensee's duties in this position

included performing routine x-rays, performing routine medical and testing procedures under direct supervision, and ensuring that patients are treated with quality clinical care.

4. Licensee held an Active license from March 2016 through November 2017 while employed and working as a “Medical Support X-Ray Specialist” with U.S. Healthworks. Licensee has not, however, held an Active license in the State of Kansas since on or before November 1, 2017, including from November 2017 through June 2018, while still employed at U.S. Healthworks.

5. On or about July 6, 2018, Licensee applied for a reinstatement license to practice as a Radiologic Technologist in the state of Kansas.

6. On or about August 10, 2018, the Board’s Licensing department contacted Licensee via e-mail and requested information as to whether Applicant had been (1) working under the supervision of a licensed practitioner or a person designated by a hospital licensed pursuant to K.S.A. 65-425 et seq. or (2) working under someone who has been trained on the proper use of equipment for the purpose of performing radiologic technology procedures, as stated in the Kansas Radiologic Technologist Practice Act, as exceptions to working as an unlicensed radiologic technologist, under K.S.A. 65-7304(f). Licensee responded that she did not fit either criteria for work done between November 2017 through June 2018, while still employed at U.S. Healthworks.

7. Licensee practiced as an unlicensed Radiologic Technologist while employed by U.S. Healthworks for nearly seven (7) months, from November 1, 2017 to June 2018.

#### **Applicable Law**

8. K.S.A. 65-7303(2) provides that:

“Only persons licensed under this act as a radiologic technologist and who have received certification from the American registry of radiologic technologists (ARRT) in radiography shall be entitled to use the title ‘radiologic technologist radiographer’ or ‘licensed radiologic technologist radiographer’ or abbreviations thereof, or

words similar thereto or use the designated letters "R.T.(R)" or "L.R.T.(R)."

9. K.S.A. 65-7313(a) provides:

"The license of a radiologic technologist may be limited, suspended or revoked or the licensee may be censured, reprimanded, fined pursuant to K.S.A. 65-2863a, and amendments thereto, or otherwise sanctioned by the board ...if it is found that the licensee or applicant:

(1) Is guilty of ... deceit in the ... holding of license;

(8) has been found guilty of unprofessional conduct...

10. K.A.R. 100-73-6, unprofessional conduct is defined as:

(h) committing conduct likely to deceive, defraud or harm the public;

(k) violating any provision of these regulations or any provision of the radiologic technologists practice act and amendments thereto.

#### **Conclusions of Law**

11. The Board finds Licensee violated K.S.A. 65-7303(2) by representing herself as a radiologic technologist in violation of the Radiologic Technologists Practice Act.

12. The Board finds Licensee violated K.S.A. 65-7313(a)(1) in that Licensee is guilty of deceit in the holding of a radiologic technologist license, in that she held herself out to be licensed as a radiologic technologist without holding such license.

13. The Board finds Licensee violated K.S.A. 65-7313(a)(8), as further defined by K.A.R. 100-73-6(h) and 100-73-6(k), by committing unprofessional conduct by providing services as a radiologic technologist and holding herself out as a radiologic technologist without a license.

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

15. Based on the facts and circumstances set forth herein, 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 law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

**IT IS, THEREFORE, ORDERED** that Licensee is **PUBLICLY CENSURED** for violating K.S.A. 65-7303(2), K.S.A. 65-7313(a)(1), K.S.A. 65-7313(a)(8), K.A.R. 100-73-6(h) and K.A.R. 100-73-6(k) of the Radiologic Technologist Practice Act.

**IT IS FURTHERED ORDERED** that Licensee assess a **CIVIL FINE** in the amount of **\$100.00** for violations of the Radiologic Technologist Practice Act. Such fine shall be paid to the “Kansas State Board of Healing Arts”, in full, on or before **December 15, 2018**. All monetary payments, which shall be in the form of check or money order, relating to this Summary order shall be mailed to the Board certified and addressed to the Compliance Coordinator at:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level-Suite A,  
Topeka, Kansas 66612

**IT IS FURTHER ORDERED** that Licensee be granted an Active license immediately upon the date this order becomes effective as a Final Order.

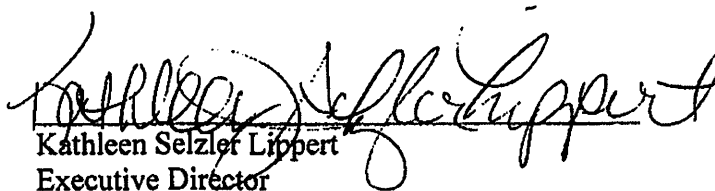
**IT IS FURTHER ORDERED** that all correspondence or communication between Licensee and the Board relating to the Summary Order shall be by certified mail addressed to:

Kansas State Board of Healing Arts  
Attn: Compliance Coordinator  
800 SW Jackson, Lower Level-Suite A,  
Topeka, Kansas 66612.

**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 4 day of Dec, 2018.

**KANSAS STATE BOARD OF HEALING ARTS**

  
Kathleen Selzler Lippert  
Executive Director

## **FINAL ORDER 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, Executive Director, Kansas Board of Healing Arts, 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 28<sup>th</sup> day of Dec, 2018 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Nicole Moreland, LRT  
[REDACTED]  
Kansas City, KS 66112

And a copy was hand-delivered to:

M. Katie Baylie, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

Office of the General Counsel  
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.

for Amber Cox  
Beth Visocsky, Operations Manager  
Amber Cox