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MAY 22 2012

KS State Board of Healing Arts

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

In the Matter of)
Francis O. Okoye, R.T.)
)
Kansas License No. 16-02843)
_____)

Docket No. 12-HA00057

JOURNAL ENTRY

COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through its Executive Director, Kathleen Selzler Lippert, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the file and the applicable statutes and otherwise being duly advised in the premises, makes the following determinations:

1. Mr. Okoye is licensed to engage in the practice of respiratory therapy in the State of Kansas, having been issued License No. 16-02843 on approximately July 5, 2002.
2. Mr. Okoye’s last known mailing address provided to the Board is P.O. Box 414671, Kansas City, Missouri, 64141.
3. On or about February 15, 2012, the Board served, via United States mail, Mr. Okoye with a Petition at both his mailing and residential addresses of record.
4. The Petition was never returned to the Board as undeliverable.
5. The Petition states that it would be appropriate to set the matter for hearing at the next available Board meeting scheduled for April 13, 2012.
6. Pursuant to K.S.A. 2010 Supp. 77-531, Licensee was served with a Notice of Conference Hearing to Licensee’s last known address by United States Mail, first-class postage prepaid, on March 21, 2012.

7. The Notice states that a Conference Hearing will be held on April 13, 2012 at 10:30 a.m. or as soon as thereafter as the parties can be heard.

8. The Notice of Conference Hearing provided Licensee notice that any party who fails to attend or participate in the Conference Hearing or other stage of a proceeding may be held in default under the Kansas Administrative Procedure Act.

9. Licensee failed to appear at the conference hearing on April 13, 2012.

10. Pursuant to K.S.A. 77-516 and K.S.A. 2010 Supp. 77-520, Licensee was in default for his failure to appear at the conference hearing on April 13, 2012. Upon review of the agency record and after being fully advised, the Board found and concluded that the allegations against Licensee, as stated in the Petition, were deemed undisputed.


11. On May 2, 2012, a Proposed Default Order was issued against Licensee and copies of the Proposed Default Order were mailed to Licensee's last known address by United States Mail, first-class postage prepaid.

12. Pursuant to K.S.A. 2010 Supp. 77-520, the Proposed Default Order notified Licensee that the order would become effective as a Final Order of the Board seven (7) calendar days following service of the order, unless within that seven (7) day period Licensee filed a written motion with the Board requesting that the proposed default order be vacated.

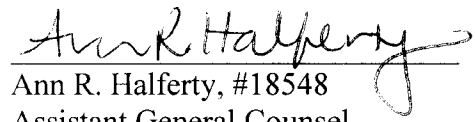
13. Licensee failed to file a Motion to Vacate the Proposed Default Order within the seven (7) day period following service of the order.

14. Pursuant to K.S.A. 77-520 and 77531, the Proposed Default Order became effective as a Final Order on May 12, 2012, and Licensee's license to practice respiratory therapy in the State of Kansas was **REVOKED**.

IT IS SO ORDERED THIS 32 DAY OF MAY, 2012, IN THE CITY OF
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzer Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:


Ann R. Halferty, #18548
Assistant General Counsel
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **JOURNAL ENTRY** was served this 22nd day of May, 2012, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Francis Okoye, RT
P.O. Box 414671
Kansas City, MO 64141

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

Jessica Bryson, 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:

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

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

KS State Board of Healing Arts

In the Matter of)
Francis O. Okoye, R.T.)
)
)
Kansas License No. 16-02843)
)
_____)

Docket No. 12-HA00057

PROPOSED DEFAULT ORDER

NOW on this 13th day of April, 2012, comes on for hearing before the Kansas State Board of Healing Arts (“Board”) in the disciplinary matter of Francis O. Okoye, R.T. (“Applicant”). Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board. Mr. Okoye fails to appear.

Pursuant to the authority granted to the Board by K.S.A. 65-5510 *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 Default Order in the above-captioned matter.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. Mr. Okoye was licensed to engage in the practice of respiratory therapy in the State of Kansas, having been issued License No. 16-02843 on approximately July 5, 2002.
2. Mr. Okoye’s last known mailing address provided to the Board is P.O. Box 414671, Kansas City, Missouri, 64141.
3. On or about February 15, 2012, the Board served, via United States mail, Mr. Okoye with a Petition at both his mailing and residential addresses of record.
4. The Petition was never returned to the Board as undeliverable.

5. The Petition states that it would be appropriate to set the matter for hearing at the next available Board meeting scheduled for April 13, 2012.

6. The Board sent Mr. Okoye a Notice of Conference Hearing on March 21, 2012.

7. The Notice states that a Conference Hearing will be held on April 13, 2012 at 10:30 a.m. or as soon as thereafter as the parties can be heard.

8. In addition, the Notice states that any party who fails to attend or participate in the Conference Hearing or other stage of a proceeding may be held in default under the Kansas Administrative Procedure Act.


9. Mr. Okoye failed to appear at the conference hearing on April 13, 2012, and is therefore, in default.

10. Additionally, the allegations contained in the Petition that Mr. Okoye violated K.S.A. 65-5510(a), K.S.A. 65-5510(a)(2), K.S.A. 65-5510(a)(2), and K.S.A. 65-5510(a)(2) are deemed admitted.

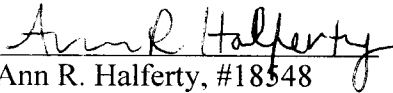
14. Pursuant to K.S.A. 65-5510 *et seq.*, there are grounds to revoke Mr. Okoye's license to practice respiratory therapy.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Mr. Okoye's respiratory therapy license be **REVOKED**.

IT IS SO ORDERED THIS 2 DAY OF ~~APRIL~~ May, 2012, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved By:


Ann R. Halferty, #18548
Assistant General Counsel

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Proposed Default Order. This order will become effective as a Final Order of the Board seven (7) calendar days following service of this order, as indicated in attached the Certificate of Service, unless within that seven (7) day period Applicant files a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. Any such motion must be filed with the Board to the attention of Kathleen Selzler Lippert, Executive Director, Kansas State 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 **Proposed Default Order** was served this 2nd day of May, 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

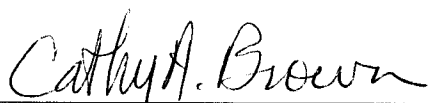
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Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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.



Cathy Brown
Executive Assistant