

FILED

APR 16 2014

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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)	
)	Docket No. 14-HA00122
Nadir Quinn, R.T.)	
Kansas License No. 16-03623)	
(Cancelled—Suspended))	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, (“Board”), by and through Seth K. Brackman, Associate Litigation Counsel (“Petitioner”), and Nadir Quinn, R.T. (“Applicant”) and move the Board for approval of a Consent Order affecting Applicant’s cancelled suspended license to practice respiratory therapy in the State of Kansas. The Parties stipulate and agree to the following:

1. Applicant’s last known mailing address to the Board is: **Confidential**
Confidential Shawnee, Kansas 66214.
2. On or about May 31, 2012, Applicant submitted to the Board an application for reinstatement of licensure in respiratory therapy. Such application was deemed complete and filed with the Board on March 26, 2014.
3. Applicant is or has been entitled to engage in the practice of respiratory therapy in the State of Kansas, having been issued License No. 16-03623 on or about May 14, 2008. Applicant’s license was cancelled for failing to renew it on or about May 1, 2012.
4. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of respiratory therapy. K.S.A. 65-5501 et seq. and K.S.A. 65-5502.

5. 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 and 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.
6. The Kansas Respiratory Therapy Practice Act is constitutional on its face and as applied in the case. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
7. Applicant voluntarily and knowingly waives his right to a hearing. Applicant voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant voluntarily and knowingly agrees to waive all substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
8. 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. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
9. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-5510(a)(2), K.S.A. 65-5510(a)(4), K.A.R. 100-55-5(h) and K.A.R. 100-55-5(q), to take action with

respect to Applicant's license under the Respiratory Therapy Practice Act, K.S.A. 65-5501, *et seq.*

10. On or about May 21, 2012, Applicant filed an application for reinstatement of his cancelled respiratory therapy license.
11. In his application, Applicant answered "No" to all disciplinary questions, including question 9(h), which asks, "Has any licensing authority ever limited, restricted, suspended, revoked, censured or placed on probation or had any other disciplinary action taken against any professional license you have held?"
12. On or about August 16, 2010, the Board filed a Summary Order in KSBHA Docket No. 11-HA00012 ("2010 Summary Order") assessing a fine in the amount of One Hundred Dollars and Zero Cents (\$100.00) for failure to respond to the Board's legal request for information regarding verification of compliance with continuing education requirements. Further, Applicant was ordered to provide proof of completing at least twelve (12) continuing education hours from April 1, 2009, to March 31, 2010.
13. The 2010 Summary Order further ordered that Applicant's license would be suspended if Applicant failed to pay the fine and/or failed to provide proof of adequate continuing education hours.
14. The 2010 Summary Order became a Final Order ("2010 Final Order") of the Board on or about September 10, 2010.
15. On or about May 1, 2012, Applicant's license to practice respiratory therapy in the State of Kansas was cancelled for failing to renew it.

16. On or about June 6, 2012, a Final Order was issued by the Board, in which Applicant's license to practice respiratory therapy in the State of Kansas was suspended for failure to remit payment of the civil fine and for failure to submit proof of at least twelve (12) continuing education hours between April 1, 2009, to March 31, 2010 as required by the 2010 Summary Order.
17. Counsel for the Board initially contacted Applicant on or about July 3, 2012, informing Applicant of the status of his *cancelled suspended* license. Counsel for the Board informed Applicant that he would first need to become compliant with the 2010 Summary Order by paying the civil fine and providing proof of the required continuing education hours.
18. Numerous correspondence and information was provided to Applicant by Board staff using various methods for delivery such as US Mail, e-mail, and telephone calls between July 2012 and February 2013.
19. Applicant informed the Board that he had completed the required continuing education, but would need to find his certificates to provide to the Board.
20. On or about December 6, 2013, Applicant paid One Hundred Dollars and Zero Cents (\$100.00) to comply with the 2010 Summary Order.
21. Further, on or about December 6, 2013, Applicant submitted proof of completing 75.5 hours of continuing education as follows:

a. April 1, 2008 — March 31, 2009	25	hours
b. April 1, 2009 — March 31, 2010	0	hours
c. April 1, 2010 — March 31, 2011	25.5	hours
d. April 1, 2011 — March 31, 2012	13	hours
e. April 1, 2012 — March 31, 2013	6	hours
f. April 1, 2013 — March 31, 2014	6	hours

22. Applicant has been in the active practice of respiratory therapy in the State of Missouri during the pendency of the aforementioned proceedings, and he is compliant with the State of Missouri's continuing education requirements.
23. Applicant acknowledges that if formal hearing proceedings were conducted and Applicant presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Applicant has violated the Respiratory Therapy Practice Act with respect to the above allegations. Applicant further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
24. Pursuant to K.S.A. 65-5510, the Board may revoke, suspend, limit, censure or place under probationary conditions Applicant's license, and pursuant to K.S.A. 65-5510(c) the Board has the authority to impose administrative fines for violations of the Kansas Respiratory Therapy Practice Act.
25. According to K.S.A.77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
26. All pending investigation materials regarding Applicant were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 28 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
27. Applicant further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing that Applicant has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or

revocation of Applicant's license to practice respiratory therapy in the State of Kansas. Applicant hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether Applicant has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Applicant retains the right to confront and examine all witnesses, present evidence, testify on his own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Respiratory Therapy Practice Act, K.S.A. 65-5501 *et seq.*

28. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Respiratory Therapy Practice Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 *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 Kansas Respiratory Therapy Practice Act.

29. Applicant hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that

Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

30. Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.
31. 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.
32. Applicant 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 Applicant is not present. Applicant 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.
33. Applicant, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

34. Applicant acknowledges that he has read this Consent Order and fully understands the contents.
35. Applicant acknowledges that this Consent Order has been entered into freely and voluntarily.
36. All correspondence or communication between Applicant and the Board relating to the Consent 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
37. Applicant 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.
38. 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. 65-2838. 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.
39. This Consent Order constitutes public non-disciplinary action.
40. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.

41. In lieu of conducting a formal proceeding, Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following as a condition to being granted reinstated licensure to engage in the practice of respiratory therapy:

EDUCATION

42. Applicant shall complete twenty-four (24) hours of continuing education hours, at his own expense, on or before July 15, 2014.

43. Licensee shall provide proof of successful completion of the continuing education hours within thirty (30) days of completing such program(s). All continuing education hours shall be submitted no later than July 31, 2014, regardless of the aforementioned thirty (30) day time period.

44. These hours shall be in addition to those hours required for compliance with the April 1, 2014, to March 31, 2015, renewal cycle.

TIMEFRAME

45. The above educational requirements are self-terminating. Upon proof of Applicant's successful completion of twenty-four (24) continuing education hours by the above dates, Applicant's suspension shall be lifted.

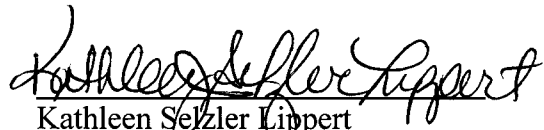
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that upon meeting all technical requirements for licensure, Applicant's *cancelled suspended* license shall be reinstated to *active suspended*.


IT IS FURTHER ORDERED that Applicant's suspension shall be lifted upon Applicant submitting proof of completion of twenty-four (24) continuing education hours.

IT IS SO ORDERED on this 16 day of April, 2014.

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

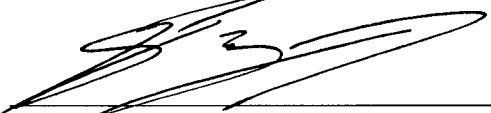

Kathleen Seizler Lippert
Executive Director

4/16/14
Date


Nadir Quinn, R.T.
Applicant

3/24/14
Date

PREPARED AND APPROVED BY:



Seth K. Brackman #23726
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson
Lower Level, Suite A
Topeka, Kansas 66612
(785) 368-7257 telephone
(785) 368-8210 fax
sbrackman@ksbha.ks.gov

Consent Order
Nadir Quinn, R.T.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 16th day of April, 2014, to the following:

Nadir Quinn, R.T.
Applicant
Confidential
Shawnee, Kansas 66214

And the original was hand-filed with:

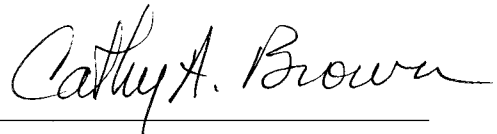
Kathleen Selzler Lippert
Executive Director
Kansas Board of Healing Arts
800 SW Jackson
Lower Level, Suite A
Topeka, Kansas 66612

And a copy was delivered to:

Seth K. Brackman
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson
Lower Level, Suite A
Topeka, Kansas 66612

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

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



Cathy A. Brown

Consent Order
Nadir Quinn, R.T.