

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
BRIDGETTE ROARK-SAMPLE, R.T.)
)
Kansas License No. 16-03208)
)
_____)

KSBHA Docket No. 13-HA00028

**FINAL ORDER GRANTING REINSTATEMENT OF LICENSURE
AND ISSUING PUBLIC CENSURE**

NOW on this 7th day of December 2012, comes before the Kansas State Board of Healing Arts ("Board") the application of Bridgette Roark-Sample, R.T. ("Applicant") for reinstatement of her license to practice of respiratory therapy in the State of Kansas. Applicant appears in person and *pro se*. Jessica A. Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to Board by Kansas Respiratory Therapy Practice Act K.S.A. 65-5501, *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 the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Applicant was previously licensed to practice respiratory therapy in the State of Kansas, having been issued License No. 16-03208 on approximately July 7, 2005.
2. On about May 1, 2011, Applicant's license was cancelled for failure to renew.
3. On or about June 26, 2012, Applicant submitted an application for reinstatement of her license to engage in the practice of respiratory therapy in the State of Kansas

("Reinstatement Application"). Such Reinstatement Application was deemed complete and filed with the Board on November 6, 2012.

4. Applicant currently maintains an active respiratory therapy license in the State of Missouri with no disciplinary history.

5. In her Reinstatement Application, Applicant disclosed that in March of 2012, she was terminated from her employment as a respiratory therapist at Kindred Hospital in Kansas City, Missouri. Applicant indicated that the termination was based on a claim that she was seen not properly distributing medication to a patient. Applicant claimed that she was not aware of the allegation and that it was not proven to be true.

6. On or about November 6, 2012, Associate Litigation Counsel for the Board filed a Response in Opposition to Application to Reinstate License to Practice Respiratory Therapy ("Response in Opposition"). The Response in Opposition alleges that Applicant was terminated from Kindred Hospital due to clinical practice concerns that include failing to deliver medication in a timely manner; documenting that she had performed therapy which was not actually performed; documenting that she performed oral care when the bottle of medication was found unopened; and disobeying a supervisor's orders. The Response in Opposition also alleges that Applicant It is further alleged that this conduct and Applicant's termination are grounds for denial of reinstatement under the Respiratory Therapy Practice Act.

7. As evidence in support of the alleged violations, Associate Litigation Counsel offered documentation from Applicant's personnel record at Kindred Hospital which details the clinical care incidents and ultimate termination of Applicant's employment. (Board Exhibit 1).

8. In pertinent part, the applicable statutes and regulations which are alleged to have been violated state:

K.S.A. 65-5510 Denial, revocation, limitation or suspension of license or refusal to renew license; unprofessional conduct; discipline; civil fines; procedure; reinstatement. (a) The board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

(1) Obtaining a license by means of fraud, misrepresentation or concealment of material facts;

(2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;

K.A.R. 100-55-5. Unprofessional conduct; defined. "Unprofessional conduct" means any of the following:

...

(i) being sanctioned or disciplined by a peer review committee or 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;

...

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

9. At the conference hearing, Applicant testified about her version of some of the events underlying the alleged conduct. Applicant also submitted exhibits which included her 2011 Employee Annual Performance Appraisal (Applicant Exhibit 5), indicating she met the required standards for performance, and recommendations from three (3) physicians who have worked with Applicant. (Applicant Exhibits 6, 8 and 9).

10. The Board finds that the clinical practice incidents underlying Applicant's termination from Kindred Hospital to be concerning as they pose a risk of patient harm.

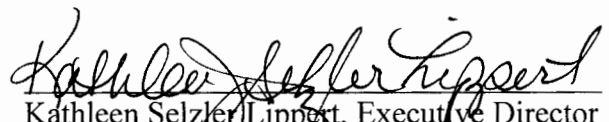
11. While not entirely forthcoming, the Board does not find that Applicant's limited disclosure statements in her Reinstatement Application about her termination rise to the level of being misrepresentation or concealment of material facts.

12. Based on the documentary evidence and testimony presented, the Board concludes that there is sufficient evidence to find that Applicant's termination as a respiratory therapist for clinical practice concerns is unprofessional conduct as defined in K.S.A. 65-5510(a). The Board further concludes that Applicant's testimony about her version of the events and documentary evidence supporting her clinical qualifications present mitigating factors.

13. The Board concludes that Applicant should be granted reinstatement of her license to practice respiratory therapy in Kansas, but also be publicly censured due to her unprofessional conduct.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant is hereby granted reinstatement of her license to practice respiratory therapy in the State of Kansas and that such license is **PUBLICLY CENSURED** due to unprofessional conduct.

IT IS SO ORDERED THIS 31st DAY OF DECEMBER, 2012, 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, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas, 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER GRANTING REINSTATEMENT OF LICENSURE AND ISSUING PUBLIC CENSURE** was served this 31st day of December, 2012 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Bridgette Roark-Sample
Confidential
Kansas City, KS 66109

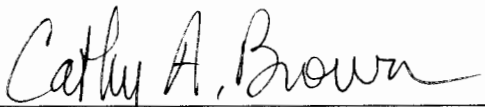
And a copy was hand-delivered to the following:

Jessica A. 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

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