

EFFECTIVE AS A FINAL ORDER

DATE: 8/1/17

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JUL 13 2017

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

KS State Board of Healing Arts

In the Matter of
LEE ANN SAFAR, L.R.T.

Kansas License No. 22-03890

Docket No. 18-HA 00004

SUMMARY ORDER

NOW ON THIS 13 day of July, 2017, 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. 77-537, this Summary Order shall become effective as a Final Order, without further notice, if no 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. Lee Ann Safar, L.R.T. ("Licensee") was originally issued license number 22-03890 to practice as a radiologic technologist in the State of Kansas on or about March 11, 2011. Licensee's current license designation is active, and such license was last renewed on or about September 18, 2016.

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2. Licensee's last known mailing address as provided to the Board is:

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3. On or about September 18, 2016, Licensee submitted an application for renewal of her license to practice as a radiologic technologist in the State of Kansas.

4. Further, on or about September 18, 2016, Licensee certified on her renewal form that she had completed the required twelve (12) continuing education hours from October 1, 2015, September 30, 2016; or is currently registered and in good standing with either the American Registry of Radiological Technologist (“ARRT”) or the Nuclear Medicine Technology Certification Board (“NMTCB”).

5. As a part of the Board’s continuing education licensing audit process, Licensee was randomly selected to provide to the Board Licensee’s proof of completion of her continuing education hours, as required for her license renewal.

6. On or about January 17, 2017, Board staff sent a letter through the United States mail, first-class postage prepaid to Licensee that requested Licensee provide the continuing education documentation Licensee relied upon when Licensee certified she completed the continuing education hours required by the Board for renewal of her license. This documentation was to be provided to the Board on or before February 17, 2017.

7. On or about February 21, 2017, Board staff sent a letter through the United States mail, first-class postage prepaid to Licensee that requested Licensee provide the continuing education documentation Licensee relied upon when Licensee certified she completed the continuing education hours required by the Board for renewal of her license. This documentation was to be provided to the Board on or before March 13, 2017.

8. To date, Licensee has not provided to the Board proof of successful completion of the twelve (12) hours of continuing education hours required by the Board for renewal of her license.

Applicable Law

10. K.S.A. 65-7307(c) of the Radiologic Technologists Practice Act states in pertinent

part:

The board may require any licensee, as a condition of renewal, to submit with the application for renewal evidence of satisfactory completion of a program of continuing education required by rules and regulations of the board.

11. K.A.R. 100-73-7 states in pertinent part:

(a) As a condition of license renewal, each licensed radiologic technologist shall certify, on the form provided with the license renewal application, that, during the 12-month period immediately preceding the license expiration date, the person completed at least 12 credits of continuing education.

(d) Each person who certifies completion of continuing education shall, for at least three years following the date of certification, maintain documentation of completion that shall include one of the following:

(1) A verification of completion issued by a national, state, or local organization with standards for continuing education that are at least as stringent as the standards of the board.

(e) Within 30 days following a written request by the board to a licensee, the licensee shall provide the board with proof of completion of continuing education as specified in the regulation.

12. K.S.A. 65-7313 of the Kansas Radiologic Technologists Practice Act states in pertinent part:

(a) 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 ... denied if it is found that the licensee ... :

(1) Is guilty of fraud or deceit in the procurement or holding of a license;

(8) has been found guilty of unprofessional conduct under criteria which the board may establish by rules and regulations.

13. K.A.R. 100-73-6 states in pertinent part:

“Unprofessional conduct” shall mean the commission of any of the following by ... a licensee:

(c) failing to furnish to the board, or to its investigators or representatives, any information legally requested by the board;

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

14. K.S.A. 65-2863a(a) of the Kansas Healing Arts Act states in pertinent part:

The state board of healing arts ...may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for violation of the Kansas healing arts act in an amount not to exceed \$5,000 for the first violation ...

Conclusions of Law

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

16. The Board finds that Licensee violated K.S.A. 65-7313(a)(1) in that Licensee is guilty of fraud or deceit in the procurement or holding of a license when she certified she completed at least twelve (12) continuing education hours for renewal of his license to practice as a radiological technologist, when in fact she did not complete the minimum requirement.

17. Further, the Board finds that Licensee violated K.S.A. 65-7313(a)(8) in that Licensee committed unprofessional conduct when she failed to comply with K.S.A. 65-7307(c) and K.A.R. 100-73-7 that requires Licensee to submit evidence of satisfactory completion of a program of continuing education by the Board.

18. In addition, the Board finds that Licensee violated K.S.A. 65-7313(a)(8) in that Licensee committed unprofessional conduct. Specifically, Licensee violated K.A.R. 100-73-7(a) by certifying she completed at least twelve (12) continuing education hours for renewal of her license to practice as a radiological technologist, when in fact she did not complete the minimum requirement, therefore a violation of a lawful rule and regulation promulgated by the Board.

19. Furthermore, the Board finds that Licensee violated K.S.A. 65-7313(a)(8) and K.A.R. 100-73-6(c) in that Licensee failed to furnish the Board representative the legally requested information, specifically the proof of her completion of at least twelve (12) continuing education hours to the Board.

20. Based on the facts and circumstances set forth herein, it appears that 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 the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Lee Ann Safar, L.R.T.

IT IS, THEREFORE, ORDERED that Licensee is hereby **INDEFINITELY SUSPENDED** for Licensee's violations of the Radiologic Technologists Practice Act. Licensee shall be Indefinitely Suspended until such time as she provides to the Board proof of successful completion of the twelve (12) continuing education hours as required pursuant to K.S.A. 65-7307(c), as further defined in K.A.R. 100-73-7(a).

IT IS FURTHER ORDERED that Licensee shall complete an additional twelve (12) continuing education hours in addition to the aforementioned twelve (12) continuing education hours, for a total of twenty-four (24) continuing education hours for Licensee's violations of the Radiologic Technologists Practice Act. Licensee shall complete these additional hours and

provide to the Board proof of successful completion of these hours on or before August 15, 2017.

IT IS FURTHER ORDERED that Licensee is hereby assessed a **CIVIL FINE** in the amount of \$100.00 for violation of the Radiologic Technologists Practice Act.

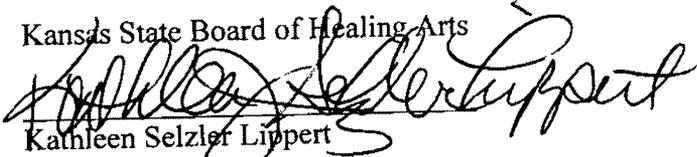
21. The total amount of \$100.00 shall be due on or before August 15, 2017.

22. Licensee shall make all payments payable to the Kansas State Board of Healing Arts. All payments shall be in the form of check or money order, and Licensee shall send all payments to the attention of: Licensing Audit Coordinator, Kansas State Board of Healing Arts, 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 13 day of July, 2017.

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 1st day of August, 2017 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Lee Ann Safar, LRT
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And a copy was hand-delivered to:

Jane Weiler, 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.


Cathy Brown, Executive Assistant