

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

In the Matter of)
TIMOTHY J. SEYBERT, L.R.T.)
)
Kansas License No. 22-04312)
_____)

Docket No. 013-HA00058

FINAL ORDER SUSPENDING LICENSE

NOW this 12th day of April, 2013, the above-captioned matter comes before the Kansas State Board of Healing Arts (Board), the Petition for Discipline against Timothy J. Seybert, L.R.T.'s ("Licensee") license to practice radiologic technology in the State of Kansas. Licensee appears in person and *pro se*. Jane Weiler, Associate Litigation Counsel, appears on behalf of Petitioner Board.

Pursuant to the authority granted to the Board by the Radiologic Technologists Practice Act, K.S.A. 65-7301, *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 following a conference hearing in the above-captioned matter. After reviewing the agency record, reviewing the admitted exhibits, hearing the testimony and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee was issued a license to engage in the practice of radiologic technology in the State of Kansas, having been issued License No. 22-04312 on approximately October 19, 2012.
2. On or about September 13, 2012, Licensee entered into a Consent Order with the Board as a condition of being issued a license in order to resolve concerns regarding Licensee's

criminal history **Confidential**

Such Consent Order was filed on September 20,

2012, and ratified by the Board on October 30, 2012.

3. The Consent Order required Licensee to **Confidential**
Confidential

for a period of five (5) years, upon which Licensee could request for modification or termination of the provisions.

4. Further, the Consent Order required Licensee to **Confidential**
Confidential

Confidential

Furthermore, the Consent Order contained a provision in paragraph 20 for suspension or revocation of licensure if Licensee fails to comply with any terms and conditions in the Consent Order.

5. On or about January 8, 2013, the Board received notification **Confidential**
Confidential

6. On or about January 14, 2013, the Board received the first quarterly report from
Confidential

7. **Confidential**
Confidential

Confidential

8. The evidence in the agency record reflects that the dates given by Licensee
Confidential differ from the
dates Licensee gave Confidential in conjunction with his application for
licensure.

9. On or about March 18, 2013, Petitioner filed a Petition requesting disciplinary
action against Licensee's license, alleging that pursuant to K.S.A. 65-7313(a)(8), as further
defined by K.A.R. 100-73-6(h), Licensee had committed conduct likely to deceive, defraud or
harm the public. The Petition further alleged that, pursuant to K.S.A. 65-7313(a)(1), Licensee
had committed fraud or deceit in the procurement or holding of a license.

10. At the Conference hearing before the full Board, Licensee admitted he had failed
Confidential and that he did not notify the Board Confidential License further
admitted that he knew what the possible consequences would be for violating the terms and
conditions of the Consent Order, including revocation of licensure. Licensee did not contest that
he gave inconsistent dates Confidential

11. The Board finds that Licensee has failed to comply with the terms and conditions
outlined in the Consent Order of September 20, 2012.

12. The Board finds that Licensee misrepresented the dates **Confidential** in the **Confidential** conducted to provide information for his application for a license to practice radiologic technology in Kansas.

13. The Board concludes that the purpose of the Consent Order was to protect the public by ensuring that Licensee was safe to practice radiologic technology.

14. The Board concludes that Licensee's failure to comply with the Consent Order constitutes unprofessional conduct in violation of K.S.A. 65-7313(a)(8), as further defined by K.A.R. 100-73-6(h), in that Licensee's failure to comply with the Consent Order constitutes conduct likely to harm the public because his ability to safely practice cannot be assured.

15. The Board concludes that Licensee committed fraud or deceit in the procurement of a license in violation of K.S.A. 65-7313(a)(1), in that Licensee gave inconsistent dates of his **Confidential** during an evaluation performed to provide information regarding his application for a license in Kansas.

16. The Board concludes that Licensee's violations warrant suspension of his license to practice radiologic technology in the State of Kansas for at least six (6) months. The Board further concludes that upon any request by Licensee for termination of the suspension, Licensee shall have the burden to show sufficient evidence of his compliance with the Consent Order's requirements **Confidential** and also be required to show sufficient evidence that he is rehabilitated to a degree that the Board may consider him safe to practice under the original terms of the Consent Order for an extended period.

IT IS THEREFORE ORDERED that the license of Timothy J. Seybert, LR.T. to practice radiologic technology in the State of Kansas is hereby **SUSPENDED** for a period of at least six (6) months, whereupon Licensee may then request termination of the suspension.

IT IS FURTHER ORDERED upon a request by Licensee for termination of the suspension, that Licensee shall have the burden to show sufficient evidence of his compliance with the Consent Order's requirements **Confidential** and also be required to show sufficient evidence that he is rehabilitated to a degree that the Board may consider him safe to practice under the original terms of the Consent Order for an extended period.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue future order(s) deemed necessary and appropriate in the circumstances.

IT IS SO ENTERED THIS 16th **DAY OF APRIL, 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

Kathleen Selzler Lippert by ARH
Kathleen Selzler Lippert, Executive Director

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 16th day of April, 2013, a true and correct copy of the above and foregoing **FINAL ORDER SUSPENDING LICENSE** was served by depositing the same in the United States mail, postage prepaid, and addressed to the following:

Timothy J. Seybert, LR.T.
341 SW 60 Road
Great Bend, KS 67530

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, KS 66612

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

And the original was filed with:

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



Cathy Brown, Executive Assistant