

FILED *CAB*

AUG 31 2010

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

KS State Board of Healing Arts

**In the Matter of** )  
**Hadrian Shankar** )  
**License No. 16-02999** )  
\_\_\_\_\_ )

Docket No. 07-HA00115

**FINAL ORDER**  
**(Pursuant to K.S.A. 77-501 et seq.)**

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“Board”) by K.S.A. 65-2801 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. Members of the Board serving on the Disciplinary Panel for this matter were recused from participation.

**I. Findings of Fact**

The Board has been shown the following facts:

1. Hadrian Shankar (“Licensee”), (confidential) Wichita, KS 67217, is licensed in the State of Kansas, License No. 16-02999. Licensee was issued a license on approximately January 12, 2004. Licensee’s License was cancelled as of April 1, 2006.
2. On or about May 1, 2006, Licensee submitted to the Board an application for reinstatement of licensure in respiratory therapy. The application was deemed complete and filed with the Board on April 10, 2007.
3. On or about June 13, 2007, Licensee entered into a Consent Order with the Board which contained monitoring and limitation.

4. (confidential)

5.

(confidential)

6.

7.

## **II. Applicable Law**

- a. K.S.A. 65-5501 et seq.
- b. K.S.A. 65-2838
- c. K.S.A. 77-505
- d. K.A.R. 100-55-5

## **III. Public Policy Statement**

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

## **IV. Conclusions of Law**

Based upon the Findings of Fact enumerated in Paragraphs #1 through #7, the Applicable Law and the Public Policy Statement set forth above:

### **THE BOARD HEREBY CONCLUDES AS FOLLOWS:**

- 8. The monitoring provisions and the limitations set forth in the June 13, 2007,

Consent Order are not self-terminating.

Final Order – Request to Terminate Consent Order

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9. Pursuant to the terms of the June 13, 2007, Consent Order, Licensee could request modification or termination of the provisions after a period of three (3) years.
10. The three (3) year term for monitoring and limitation as set forth in the June 13, 2007, Consent Order has elapsed.
11. On June 4, 2010, Licensee requested termination of the Consent Order.
12. (confidential) Licensee has complied with the terms of the Consent Order entered into on June 13, 2007.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS:**

13. The Consent Order of June 13, 2007, is hereby **TERMINATED**.
14. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

**IT IS SO ORDERED THIS 30 DAY OF Aug, 2010, 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, the Board's Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

### CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 31<sup>st</sup> day of August, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Hadrian Shankar  
(confidential)  
Wichita, KS 67217

And a copy was hand delivered to the office of:

Lori D. Dougherty  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

Katy Lenahan  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

Melissa Massey  
Public Service Administrator  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, Kansas 66603

The original filed with:

Kathleen Selzler Lippert, Executive Director  
Kansas State Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant