

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
Lauren Michelle Shepard, R.T.)
)
Kansas License No. 16-04054)
)
_____)

KSBHA Docket No. 12-HA00018

JOURNAL ENTRY OF SATISFACTION OF FINAL ORDER

COMES NOW the Kansas State Board of Healing Arts ("Board"), by and through its Executive Director, Kathleen Selzler Lippert, a duly authorized representative of the Board, in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, as amended, and upon due consideration of the file and applicable statutes and being otherwise duly advised in the premises, makes the following determinations:

1. Lauren Michelle Shepard, R.T. ("Licensee") has, since approximately April 7, 2011, maintained License No. 16-04054 to practice as a Respiratory therapist in the State of Kansas.

2. Licensee's last known mailing address of record provided to the Board is: confidential
confidential Parsons, Kansas 67357.

3. On August 10, 2011, Executive Director Selzler Lippert, in accordance with K.S.A. 2010 Supp. 77-514, and as authorized by K.S.A. 2010 Supp. 65-5510, issued a Summary Order against Licensee for violation of the Respiratory Therapy Practice Act. The Summary Order ordered Licensee to pay a civil fine in the amount of \$50.00. The Summary Order ordered Licensee to remit the assessed civil fine to the Board within thirty (30) days following the effective date of the Summary Order.

4. Pursuant to K.S.A. 77-542, the Summary Order notified Licensee that if a written request for hearing was not filed within fifteen (15) days following service of the Summary Order, the Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. The Summary Order required any written request for hearing to be mailed to Kathleen Selzler Lippert, at 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

5. The Summary Order notified Licensee that, upon becoming effective as a Final Order, the document would be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

6. Pursuant to K.S.A. 2010 Supp. 77-531, the Summary Order was served upon Licensee by mailing a copy of the Summary Order to Licensee at Licensee's last known address of record with the Board, via United States Mail, first-class postage prepaid.

7. A written request for hearing was not received by the Executive Director within fifteen (15) days following service of the Summary Order.

8. On or about August 22, 2011, Licensee remitted payment in full to the Board of the \$50.00 civil fine.

9. Pursuant to K.S.A. 77-526 and 77-530, the Summary Order became effective as a Final Order on August 29, 2011.

10. Licensee has satisfied all requirements of the Summary Order and has no further obligation for compliance.

IT IS THEREFORE ORDERED that the Summary Order filed in the above-captioned matter on August 10, 2011 became effective as a Final Order on August 29, 2011.

IT IS FURTHER ORDERED that Licensee has satisfied all requirements of the Final Order, and is discharged from all requirements of the Final Order.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any further Order(s) deemed necessary and appropriate.

IT IS SO ENTERED THIS 31 **DAY OF** Aug, 2011, **IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and approved by:


Randy E. Stookey, #21885
Associate General Counsel
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above and foregoing **Journal Entry of Satisfaction of Final Order**, by depositing the same in the United States mail, postage prepaid, on this 1st day of September, 2011, addressed to:

Lauren Michelle Shepard, R.T.
confidential
Parsons, Kansas 67357

and a copy hand delivered to the office of:

Stacy R. Bond, 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

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

and an electronic courtesy copy was sent to:

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
mowens@ksbha.ks.gov

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, Kansas 66612



Cathy Brown, Executive Assistant

FILED *CSB*

AUG 10 2011

KS State Board of Healing Arts

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

In the Matter of)
)
LAUREN M. SHEPARD, R.T.)
Kansas License No. 16-04054)
_____)

Docket No. 12-HA 00018

SUMMARY ORDER

NOW ON THIS 9th day of Aug, 2011, 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. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Lauren M. Shepard, R.T. ("Licensee") was originally issued license number 16-04054 to practice respiratory therapy in the state of Kansas on April 7, 2011. Licensee's license status is currently active.
2. Licensee's last known mailing address as provided to the Board at the time of her application is confidential Parsons, Kansas 67357.
3. On or about February 11, 2011, the Board received an application for a temporary license from Licensee to practice respiratory therapy.

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Lauren Shepard, Student R.T.

4. In her application, Licensee disclosed that she had worked at Coffeyville Regional Medical Center as a student R.T. from August 2010 to December 2010. This information was later amended to reflect that she worked at Coffeyville Regional Medical Center as a student R.T. from October 2010 to December 2010, although Licensee had never been granted a student permit.

5. On or about September 22, 2010, Licensee had applied for a student R.T. permit. In her application for the student R.T. permit, Licensee gave her residence and mailing address of 1604 Linwood Drive, Parsons, Kansas 67357.

6. On or about September 27, 2010, a letter was sent to Licensee at the mailing address provided to the Board, advising that her application for a student R.T. permit was incomplete and needed the following items: 1) #9 Certificate of Professional School, showing the month, day and year of completion. The original Certificate of Professional School was sent back to the Licensee to provide to her professional school for them to complete; 2) The Task Proficiency List needed the school seal.

7. The items requested in the September 27, 2010 letter to the Licensee were never provided to the Board; therefore, a student R.T. permit was never issued to the Licensee.

Applicable Law

8. K.S.A. 65-5508 states, in pertinent part: (c) The board may issue a special permit to a student enrolled in an approved school of respiratory therapy who applies for such special permit on a form provided by the board and who pays to the board the special permit fee as required under K.S.A. 65-5509 and amendments thereto. The special permit shall authorize a student who is enrolled in an approved school of respiratory therapy and who holds such special permit to practice respiratory therapy under the supervision of a licensed respiratory therapist. Such special permit shall expire thirty (30) days after the date the student graduates from an approved school of

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respiratory therapy or otherwise ceases to be enrolled in an approved school of respiratory therapy.

9. K.S.A. 65-5510 states, in pertinent part: (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:
- (2) Being guilty of unprofessional conduct as defined by the rules and regulations adopted by the board;
 - (5) Violating any provision of this act;
 - (c) The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

Conclusions of Law

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

11. The Board finds that Licensee violated K.S.A. 65-5510(a)(2) and K.S.A. 65-5510(a)(5) for failure to obtain a special student permit prior to practicing respiratory therapy in the State of Kansas, as further defined by K.S.A. 65-5508 and K.A.R. 100-55-5(q). The Board also finds that Licensee has violated K.S.A. 65-5510(a)(2), for failing to provide the requested

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documentation to the board and as further defined by defined K.A.R. 100-55-5(h) and K.A.R. 100-55-9.

12. 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, Lauren M. Shepard, R.T.

IT IS, THEREFORE, ORDERED that: Licensee is hereby assessed a civil **FINE** of \$50.00. Such payment shall be due and payable to the Board within thirty (30) days of the effective date of this order.

NOTICE AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level, Suite A, Topeka, Kansas 66612.

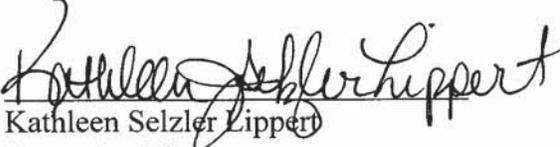
PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such

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disclosure.

Dated this 9th day of Aug, 2011.

Kansas State Board of Healing Arts



Kathleen Selzler Lippert

Executive Director

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Lauren Shepard, Student R.T.

Certificate of Service

I, hereby certify that the foregoing Summary Order was served this 10th day of August, 2011, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Lauren M. Shepard, R.T.
confidential

Parsons, Kansas 67357

and a copy was hand-delivered to:

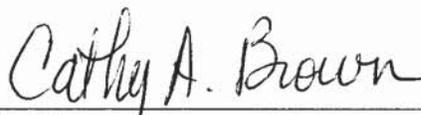
Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level, Suite A
Topeka, Kansas 66612

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

Stacy R. Bond, Associate Litigation 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:

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

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