

**FILED**

CAB

OCT 22 2008

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

IN THE MATTER OF )  
JEFFREY SROUFE, R.T. )  
 )  
Kansas License, No. 16-00665 )  
 )

KSBA DKT NO. 08-HA00066

Pursuant to K.S.A. Chapter 77

FINAL ORDER

NOW THIS 11<sup>th</sup> day of October, 2008, the above captioned matter comes before the Kansas State Board of Healing Arts (Board) on the petitioner, Litigation Counsel, Kathleen Selzer Lippert's Motion to Review the Initial Order. The respondent, Jeffrey Sroufe, R.T., appeared not. Kathleen Selzer Lippert, Litigation Counsel, appeared for the Board. There were no other appearances.

The petitioner's Motion to Review the Initial Order was before the Board pursuant to K.S.A. 77-527 on October 10, 2008. The petitioner asked the Board to review the Initial Order and make the determination that it should not be adopted as the Final Order in this matter because the respondent is not safe to return to practice and should have his license to practice respiratory therapy in the State of Kansas revoked. At this hearing the Board considered the following facts *de novo*, pursuant to K.S.A. 77-526(d):

1. On August 15, 1987, the Board initially issued the respondent a license to practice respiratory therapy in the State of Kansas.
2. In April 2007, the respondent's employment was terminated **(Confidential)**  
**(Confidential)**

3. **(Confidential)**

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12. On December 14, 2007, the Board granted an emergency suspension of the respondent's license upon finding that he was unable to practice with reasonable skill and safety **(Confidential)**

13. **(Confidential)**

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17. On March 7, 2008, the Board issued a Final Order that determined that the respondent had displayed significant progress **(Confidential)** and that the suspension of his license could be terminated with appropriate limitations in place to protect the public.

18. **(Confidential)**

19.

20. On June 12, 2008 the Board granted an emergency suspension of the respondent's license upon find that he was unable to practice with reasonable skill and safety **(Confidential)**
21. **(Confidential)**
22. On July 28, 2008, the respondent appeared before Presiding Officer, Nancy J. Welsh, M.D., for a formal hearing.
23. **(Confidential)**
- 24.
25. Additionally, the Presiding Officer found that the respondent was displaying sufficient progress **(Confidential)**
26. At the conclusion of the initial hearing, the Presiding Officer ordered that the temporary emergency suspension on the respondent's license be terminated and that the respondent's license be limited for three years in that he: **(Confidential)**
- (Confidential)**

**(Confidential)**

WHEREUPON, Presiding Officer Dr. Vinton Arnett, D.C., requested Dr. Nancy Welsh, M.D. recuse herself as she issued the initial order. Dr. Welsh recused herself from participating in the review of the Initial Order.

WHEREUPON, the Board heard argument, and considered the petitioner's Motion to Review Initial Order. The Board, having reviewed the file, being familiar with the premises and having considered statements of the parties, **DENIES** the petitioner's Motion to Review Initial Order.

WHEREUPON, the Board, upon its own motion, reviewed the facts, exercised its discretion pursuant to K.S.A. 77-526(c), and denied the Initial Order. The Board finds even with the limitations set forth in the Initial Order the respondent is currently unable to practice with reasonable skill and safety **(Confidential)**

**IT IS THEREFORE, ORDERED** the license of Jeffrey Sroufe, R.T., is hereby suspended for a period of one (1) year.

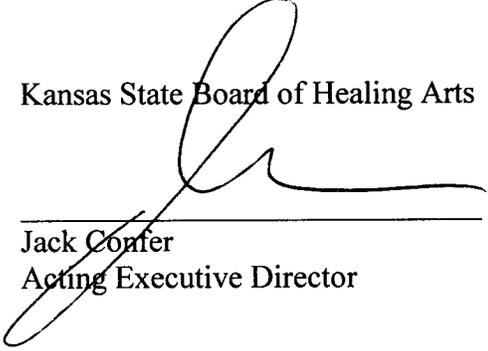
**IT IS FURTHER ORDERED** that the above suspension is not self-terminating. After a period of one (1) year, Mr. Sroufe may request the suspension be terminated upon demonstrating to the Board that he is safe to practice **(Confidential)**  
**(Confidential)**

**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 Jack Confer, the Board's Acting Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

DATED this 23<sup>rd</sup> day of October, 2008.

Kansas State Board of Healing Arts



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Jack Confer  
Acting Executive Director

**CERTIFICATE OF SERVICE**

I certify that a true copy of the foregoing Final Order was served this <sup>24<sup>th</sup></sup>~~23<sup>rd</sup>~~ day of October, 2008, by depositing the same in the United States Mail, first class postage prepaid, and addressed to:

Jeffrey Sroufe, R.T.  
2513 Columbine  
Wichita, KS 67204

And copies were hand delivered to:

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

Melissa Massey  
Kansas Board of Healing Arts  
235 SW Topeka Blvd.  
Topeka, KS 66603

And the original filed with the office of Acting Executive Director.

  
Cathy A. Brown