

FILED *CRB*

APR 20 2009

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

KS State Board of Healing Arts

In the Matter of)
)
CARMEN ROSE STECKLINE, L.R.T.)
Kansas License Applicant)
_____)

Investigation No. 09-00259
Docket No. 09-HA-*00178*

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts ("Board"), by and through Stacy R. Bond, Associate Litigation Counsel ("Petitioner") and Carmen Rose Steckline, L.R.T. ("Applicant"), and move the Board for approval of a Consent Order as a condition of being granted a license to practice as a licensed radiographic technologist in the State of Kansas. The Parties stipulate and agree to the following:

1. Applicant's last known mailing address to the Board is 2015 E. 21st. Apt. A, Hays, KS 67601.
2. Applicant submitted an application for licensure as a radiologic technologist on November 20, 2008.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts and allied health professionals, specifically the practice of radiologic technology, K.S.A. 65-7301, et. seq.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 65-2838.
5. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent order shall constitute the Board's Final Order.

6. The Kansas Healing Arts Act is constitutional on its face and as applied in this case. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. Applicant voluntarily and knowingly waives her right to a hearing. Applicant voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Applicant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Applicant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. The Board has received information and investigated the same, and has reason to believe there are grounds to deny a license as a radiologic technologist to Applicant, under the Radiologic Technologists Act., K.S.A. 65-7301, *et. seq.*

10. Applicant answered "yes" to disciplinary questions "h", "k", "s", "t", and "u" in her application. Specifically, Applicant answered "yes" to the following questions:

- a. (h) Has any licensing authority ever limited, restricted, suspended, revoked or placed on probation any professional license you have held?

- b. (k) Has any professional association imposed any disciplinary action against you?
- c. (s) Have you ever been notified of any charges or complaints filed against you by any licensing or disciplinary agency?
- d. (t) Have you ever been arrested?
- e. (u) Have you ever been charged with a crime, indicted, convicted of a crime, imprisoned, or placed on probation?

11. On May 24, 2003, Applicant was arrested in Trego County, Kansas for minor in possession of alcohol and DUI. On August 27, 2003, Applicant was convicted of the minor in possession of alcohol and received a diversion for the DUI offense.

12. On April 17, 2005, Applicant was again arrested for DUI, in Hall County, Nebraska. On August 4, 2005, Applicant was convicted of DUI, first offense.

13. On November 11, 2007, Applicant was again arrested for DUI. Applicant was subsequently convicted of DUI in Merrick County, Nebraska on January 2, 2008.

14. As a result of these arrests/convictions The American Registry of Radiologic Technologists required the Applicant to enter into an alternative disposition.

15. Applicant acknowledges that if formal hearing proceedings were conducted and Applicant presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that grounds exist to deny Licensee licensure under the Radiologic Technologists Practice Act. Applicant further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceedings before this Board.

16. Pursuant to K.S.A. 65-7313 the Board has grounds to deny, revoke, suspend, limit, censure, or reprimand Applicant's license. Specifically: (1) K.S.A 65-

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(2) K.S.A. 65-7313(8) provides that

grounds exist to deny licensure if Applicant has been found guilty of unprofessional conduct.

17. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

18. All pending investigation materials regarding Applicant were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel #23. The Disciplinary Panel authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

19. In lieu of conducting formal proceedings, Applicant, by her signature affixed to this Consent Order, hereby voluntarily agrees to the following as a condition to being granted an active license to engage in the practice of radiologic technology in the State of Kansas:

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1. This Consent Order is not self limiting. The applicant may petition the Board to lift the conditions imposed by the Consent Order upon satisfaction of all terms.

20. Applicant's failure to comply with the provisions of the Consent Order will result in the Board taking further disciplinary action as the Board deems appropriate in accordance with the Kansas Administrative Procedure Act.

21. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the healing Arts Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal

proceedings based upon known or unknown allegations of violations of the Healing Arts Act.

22. Applicant hereby releases the Board, its employees and agents, from any and all claims, including but not limited to, those damages, actions, liabilities and causes of action, both administrative and civil, including the Kansas Act for judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* This release shall forever discharge the Board of any and all claims or demands of every kind and nature that Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Board, its employees or agents, arising out of acts leading to the execution of this Consent Order or the content of this Consent Order.

23. Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.

24. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

25. Applicant agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Applicant is not present. Applicant further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

26. Applicant by signature to this document, waives any objection to the participation of the Board members and General Counsel in the consideration of this offer of settlement, and agrees not to seek the disqualification or recusal of any Board member and General Counsel in any future proceeding on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

27. Applicant acknowledges that she has read this Consent Order and fully understands the contents.

28. Applicant acknowledges that this Consent Order has been entered into freely and voluntarily.

29. All correspondence or communication between Applicant and the Board relating to this Consent Order shall be by certified mail addressed to the Kansas Board of Healing Arts, Attention: Compliance Coordinator, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.

30. Applicant shall obey all federal, state, and local laws and rules governing the practice of medicine and surgery in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

31. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further order is required.

32. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FUTHER ORDERED that upon meeting all technical requirements for licensure, Applicant shall be granted an active license to engage in the practice of radiologic technology.

IT IS FURTHER ORDERED that in lieu of conducting a formal proceeding, Applicant by her signature affixed to this Consent Order, voluntarily agrees to the following as a condition to being granted an active license to engage in the practice of radiologic technology:

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- I. This Consent Order is not self limiting. The applicant may petition the Board to lift the conditions imposed by the Consent Order upon satisfaction of all terms.

IT IS SO ORDERED on this 20th day of February 2009.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:

Jack Confer
Executive Director

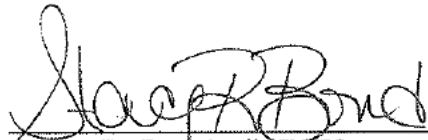
2/2/09 41-20-09
Date

Carmen Rose Steckline RTR
Carmen Rose Steckline, L.R.T.
Applicant

2/2/09
Date

RECEIVED
FEB 04 2009

PREPARED AND APPROVED BY:



Stacy R. Bond #17673
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing
CONSENT ORDER was served this 21st day of April, 2009, by
depositing the same in the United States mail, postage prepaid, and addressed to the
following:

Carmen Rose Steckline
Confidential
Hays, KS 67601

and a copy was hand-delivered to:

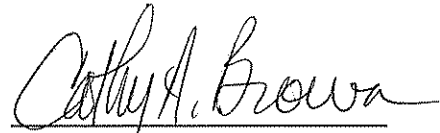
Stacy R. Bond
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

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

and the original was hand-delivered for filing to:

Jack Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

A handwritten signature in black ink, reading "Cathy A. Brown". The signature is written in a cursive style with a horizontal line underneath the name.

Cathy Brown
Executive Assistant