

FILED

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

JUN 12 1992

IN THE MATTER OF )  
 )  
BARRY TARLTON, R.T. )  
Registrant )

KANSAS STATE BOARD OF  
HEALING ARTS  
Case No. 92-00151

**STIPULATION AND AGREEMENT**  
**AND ENFORCEMENT ORDER**

COMES NOW, the Kansas State Board of Healing Arts (hereinafter referred to as "Board") and Barry Tarlton, R.T. (hereinafter referred to as Respondent) stipulate and agree as follows:

1. The Board is the sole and exclusive regulatory agency in the State of Kansas regarding the practice of the healing arts, specifically the practice of respiratory therapy.

2. Upon the approval by the Board of the Respondent's application for certification, Respondent agrees that his certificate to practice respiratory therapy in the State of Kansas will be limited pursuant to the provisions of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**.

3. Confidential  
Confidential

4. A complaint was filed on or about January 29th, 1988, charging the Respondent with misdemeanor possession of marijuana.

He was sentenced to 18 months probation and completed his probationary period from March 9, 1988 to December 9, 1989.(?)

5. Confidential

Confidential

6. The Respondent is currently employed working as an aid in the respiratory department. He has also attended the correspondence school of the California College of Health and Sciences and Barton County Community College.

7. The Respondent graduated from the California College of Health and Sciences entry level technician program and has passed the National Boards for respiratory care.

8. Confidential

Confidential

9. In consideration of the granting to Respondent a permanent certificate in the State of Kansas and other mutual covenants and promises contained herein, the parties hereto agree as follows:

A. Under the provisions of the Kansas Administrative Procedures Act, the Board has the authority to enter into this **STIPULATION**

**AND AGREEMENT AND ENFORCEMENT ORDER.**

B. The terms and conditions of the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** are entered into between the undersigned parties and is submitted for the purpose of allowing these terms and conditions to become an order of the Board. The **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** shall not become binding on the Kansas State Board of Healing Arts until an authorized signature is affixed on the last page of this document. Upon signature by Respondent to this document, it shall be deemed a unilateral contract and shall bind Respondent to all terms and conditions as set forth in the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** whether or not the Board's signature is affixed to the document and shall become a public document.

C. Respondent admits that this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** and the filing of such document are in accordance with the requirements of law, that the Board has jurisdiction to consider the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** and is lawfully constituted to consider this matter to include

consideration of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**. Respondent further notes that the Kansas Healing Arts Act as set forth in the statutes and as recited in the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** is constitutional on its face and is applied in this case. Respondent further acknowledges that the Board acting in this matter is not acting beyond the jurisdiction referred to it by any provision of law. Respondent further acknowledges that the Board will decide the issue regarding resolution of this matter and acceptance of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** as it relates to the Kansas Healing Arts Act and in position of appropriate disciplinary sanctions regarding Respondent's certificate to engage in the practice of respiratory therapy in the State of Kansas.

D. Upon approval by the Board of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**, the Board will issue Respondent a permanent certificate to practice respiratory therapy in the State of Kansas.

E. Confidential  
Confidential

F. Confidential  
Confidential

G. Respondent shall obey all federal, state  
and local laws and rules governing the practice  
of health care in the State of Kansas.

H. Respondent has an affirmative duty to notify the Board of changes in his personal or professional status which would inhibit the compliance with the above conditions of the

Confidential

I. The **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** shall be binding upon both Board and Respondent upon its approval by both parties and the issuance of an enforcement order in accordance there with. Respondent acknowledges that proofs submitted to the Board by an affidavit or other form that Respondent has failed to meet the conditions of the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** or Confidential

should be good and sufficient evidence to support the alleged violation in compliance of the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**. It is further understood that if Respondent fails to fulfill any of the obligations under the agreement, the Board will be released from its **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** and shall be free to take whatever steps it deems appropriate.

J. Respondent may request the rescission or modification of the **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** and such request will be given due consideration by the Board.

K. Respondent acknowledges that this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** is entered into freely and voluntarily given.

L. By entering into this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**, Respondent waives any rights to procedural or substantive due process conferred upon him by the Kansas Administrative Procedures Act or any other federal or state constitutional or statutory provision.

M. Respondent acknowledges that he has read or has had read to him all of the numbered paragraphs above and has received a copy of this **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**.

In witness whereof the parties have executed this agreement  
on this 12<sup>th</sup> day of June, 1992.

**KANSAS STATE BOARD OF HEALING ARTS**

Lawrence T. Buening, Jr.  
Lawrence T. Buening, Jr.  
Executive Director

June 12, 1992  
Date

Barry Tarlton  
Barry Tarlton, Respondent  
5/25/92  
Date

Prepared and Approved By:

Debra L. Billingsley  
Debra L. Billingsley  
Disciplinary Counsel  
Kansas State Board of Healing Arts  
235 South Topeka Boulevard  
Topeka, Kansas 66603  
(913) 296-7413



**CERTIFICATE OF SERVICE**

I, Debra L. Billingsley, hereby certify that a copy of the above and foregoing **STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER** was mailed on the 8 day of May, 1992 to the following:

Barry Tarlton  
**Confidential**  
Great Bend, Kansas 67530

Debra L. Billingsley  
Debra L. Billingsley

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**STIPULATION AND AGREEMENT AND ENFORCEMENT ORDER**  
**Barry Tarlton, R.T.**