

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
James Edward Thompson, LRT)
Application for Licensure) KSBHA Docket No. 11-HA00060
_____)

FINAL ORDER GRANTING LIMITED LICENSE
(Pursuant to K.S.A. 77-501 et seq.)

NOW on this 15th day of April 2011, comes on for conference hearing before the Kansas State Board of Healing Arts (“Board”), the application of James Edward Thompson (“Applicant”) to practice radiologic technology in the State of Kansas. Applicant appears *pro se*. Stacy Bond, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by K.S.A. 65-7301 *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. After reviewing the agency record and exhibits admitted, and hearing the statements and arguments of Stacy Bond, the testimony of Applicant and being otherwise duly advised in the premises, the Board makes the following findings of fact, conclusions and order:

I. Findings of Fact

1. Applicant submitted to the Board an application for a license to practice radiologic technology in the State of Kansas. Such application was filed with the Board on February 15, 2011.

2. Applicant’s last known mailing address provided to the Board is: confidential
Avenue, Hays, Kansas 67601.

3. In his application, Applicant disclosed confidential
convictions confidential
confidential

4. Applicant further disclosed that in 2007, his employment at a hospital was terminated due to a failed urinalysis that was positive for marijuana.

5. In approximately September of 2008, Applicant entered into an Alternative Disposition Agreement with the Ethics Committee for the American Registry of Radiologic Technologists (“ARRT”) due to Applicant’s May 2007 conviction of OWI and possession of marijuana.

6. Applicant has not practiced radiologic technology in over three (3) years.

7. Applicant has completed the required continuing education and maintained his registration with the ARRT.

8. confidential
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II. Applicable Law

- a. K.S.A. 77-501 *et seq.* - Kansas Administrative Procedure Act
- b. K.S.A. 65-7301 *et seq.* - Kansas Radiologic Technologists Practice Act

III. Conclusions

9. Applicant’s criminal history constitutes unprofessional conduct pursuant to K.S.A. 65-7313(a)(8), as further defined in K.A.R. 100-73-6(h), in that Applicant has committed conduct likely to deceive, defraud or harm the public.

10. Applicant's past confidential coupled with the nature of his prior criminal conduct, are particularly concerning in light of the precision required, clinical importance and direct patient involvement in the practice of radiologic technology.

11. Applicant's extended absence from the active practice of radiologic technology constitutes unprofessional conduct pursuant to K.S.A. 65-7313(a)(8), as further defined in K.A.R. 100-73-6(f), in that such absence represents evidence of professional incompetence under K.S.A. 65-2837(a)(3) as "a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice . . ."

12. Applicant's previous education, training and practice, coupled with his maintenance of registration with the ARRT, provide evidence that Applicant may regain professional competence through practice mentoring and supplemental continuing education.

13. Considering all the facts and circumstances, it is appropriate to grant Applicant limited licensure with requirements for a period of practice mentoring, supplemental continuing education, confidential

IT IS THEREFORE ORDERED that Applicant is hereby granted a LIMITED license with the following requirements:

A. Practice Mentoring

- i. Immediately upon commencing active practice, Applicant shall engage in forty (40) hours of practice mentoring under a Kansas licensed radiologic technologist. Such practice mentoring shall be completed within the first month of Applicant's practice.
- ii. Prior to commencing active practice, Applicant shall identify the individual who will serve as the practice mentor in writing to the Board's Compliance Coordinator at the Kansas Board of Healing Arts, 800 SW Jackson Street, Lower Level- Suite A, Topeka, Kansas 66612. The individual serving as the practice mentor shall have no disciplinary history and shall have actively practiced as a radiologic technologist for at least five (5) years.

- iii. The practice mentoring shall include direct observation and feedback of Applicant's practice for all clinical functions which Applicant will perform.
- iv. Within fifteen (15) days following the completion of the practice mentoring, the practice mentor shall submit a written report to the Board's Compliance Coordinator at the Board. The written report shall include a summary of the clinical functions observed, feedback provided and any recommendations. Applicant shall be responsible for ensuring that the practice mentor submits the written report to the Board's Compliance Coordinator in a timely manner.

B. Supplemental Continuing Education

- i. On or before November 15, 2011, Applicant shall submit written proof of his completion of twelve (12) supplemental hours of continuing education credit approved by the American Association for Respiratory Care ("AARC") or the Kansas Respiratory Care Society ("KRCS"). Nontraditional or alternative education programs as defined in K.A.R. 100-55-7(f)(3) shall not be accepted to fulfill this requirement. Such continuing education shall be supplemental and in addition to the hours required for the maintenance of licensure.

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E. Additional Requirements

- i. Applicant shall immediately notify the Board's Compliance Coordinator in writing of any citation, arrest or charge filed against him or of any conviction for traffic or other criminal offenses.
- ii. For any period of time that Applicant is not actively practicing in Kansas, the limitation on his license will remain in effect but such period will not be counted towards reducing the limitation timeframe.
- iii. The limitation is not self-terminating. Upon successful completion of all requirements, Applicant may petition the Board to request termination of the limitation on his license.

IT IS FURTHER ORDERED that the provisions of this Final Order constitute disciplinary action.

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

IT IS SO ORDERED THIS 10th **DAY OF** May, 2011, **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 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing **Final Order Granting Limited License** was served this 10th day of May, 2011 by depositing the same in the United States

Mail, first-class, postage prepaid, and addressed to:

James Edward Thompson
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Hays, Kansas 67601

And a copy was hand-delivered to the following:

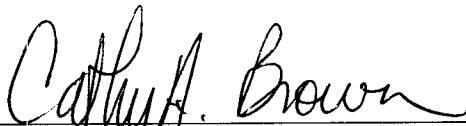
Stacy Bond, Associate Litigation Counsel
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800 SW Jackson, Lower Level-Suite A
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Katy Lenahan, Licensing Administrator
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Topeka, Kansas 66612

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

The original was filed with the office of:

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