

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

FILED
DEC 10 2003
**KANSAS STATE BOARD OF
HEALING ARTS**

In the Matter of)
)
ANITA VERNON, R.T.)
Kansas License No. 16-01645)
_____)

Docket No. 04-HA-22

FINAL ORDER

NOW ON THIS Sixth Day of December 2003, this matter comes on for a conference hearing before the Board. Kelli J. Benintendi, Associate Counsel to the Board, appears for Petitioner. Respondent Anita Vernon, R.T., appears in person.

Having the agency record before it, and having the statements of the parties, the Board finds, concludes and orders as follows:

1. Respondent is licensed to practice respiratory therapy in Kansas. The Board issued Respondent's license in August 1994.
2. In April 2003, the Board approved a consent order signed by Respondent. Pursuant to that order, Respondent was to abstain from using alcohol or drugs. Respondent agreed to submit to random tests. Respondent also agreed that she would immediately surrender her license if she had a positive test for alcohol or drugs. The Board concludes that a surrender of Respondent's license would constitute a revocation.
3. On August 12, 2003, Respondent submitted to a test for alcohol or drugs. The test result was positive for alcohol. Respondent stated that on the morning of the test she had used a cough syrup containing alcohol.

4. The Board finds that Respondent violated the April 2003 order by ingesting alcohol. Petitioner asks the Board to suspend Respondent's license for a period of thirty days. The Board finds that there are mitigating circumstances, and that a seven-day suspension rather than revocation or thirty-day suspension of Respondent's license is appropriate.

5. The Board finds that the April 2003 order should continue in effect, but that the order should be modified to assure that Respondent is not a threat to the public through the use of alcohol. A presiding officer should be appointed to conduct further proceedings, determine the necessary modifications, and issue an initial order.

IT IS, THEREFORE, ORDERED that the license of Anita Vernon, R.T. is hereby suspended for seven calendar days, commencing upon the effective date of this order.

IT IS FURTHER ORDERED that John White, D.O. is appointed to conduct and preside over further proceedings, and to issue an initial order with appropriate modifications to the April 2003 order.

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. 77-610, et seq. Reconsideration of the 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 the Board's executive director at 235 S. Topeka Blvd., Topeka, KS 66603.

DATED THIS 10TH Day of December 2003.

Kansas State Board of Healing Arts

_____/s/_____
Lawrence T. Buening, Jr.
Executive Director

Certificate of Service

I certify that a true copy of the foregoing order was served this 10th day of December 2003 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Anita Vernon, R.T.
132 West 12th Avenue, #12
Emporia, KS 66801

and a copy was hand-delivered to the office of:

Kelli J. Benintendi
Associate Counsel
235 S. Topeka Blvd.
Topeka, KS 66603

____Lawrence T. Buening Jr._____