

EFFECTIVE AS A FINAL ORDER

DATE: 9/18/2018

FILED *BV*

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

AUG 30 2018

KS State Board of Healing Arts

In the Matter of)
)
Paula Marie Wagner, L.R.T.)
Kansas License No. 22-02333)
_____)

KSBHA Docket No. 19-HA 00022
Investigation No. 18-00861

SUMMARY ORDER

NOW ON THIS 30 day of Aug., 2018 this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

Pursuant to K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (15) days of service.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law, and order are made for and on behalf of the Board:

Findings of Fact

1. Paula M. Wagner, L.R.T. ("Licensee") was originally issued license number 22-02333 to practice as a licensed radiologic technologist in the state of Kansas on December 29, 2005. Licensee's current license designation is active, and such license was last renewed on or about September 6, 2017.
2. Licensee's last known mailing address to the Board is: [REDACTED] Wichita, Kansas 67203.
3. On or about September 6, 2017, Licensee renewed her license with the Board by submitting an online renewal [REDACTED]

4. [REDACTED]

5. In her 2017 renewal, Licensee provided the address of [REDACTED] Wichita, Kansas 67203 for her address and [REDACTED] for her email.

6. On or about October 26, 2017, Board staff contacted Licensee via email stating “[w]e have received your renewal application. You answered “yes” to the [REDACTED] question but we have not received your response. Please complete the attached form and return it to me.”

7. On or about December 6, 2017, Board staff contacted Licensee again via email stating “I am following up on my email to you from October 26th. Please completed the attached form and return it to me.”

8. On or about December 29, 2017, Board staff emailed Licensee stating “I am following up on my previous emails to you from October 26th and December 6th. Please complete the attached form and return it to me.”

9. On or about January 23, 2018, Board staff left a voicemail for Licensee at her listed number with the Board.

10. On or about January 24, 2018, Board staff spoke with Licensee regarding the information needed in response to her renewal. That same day, Board staff emailed Licensee stating “per our conversation this morning, please complete the attached form and return it to me.”

11. On or about February 14, 2018, Board staff left a message for Licensee to contact Board staff.

12. On or about March 1, 2018, former Disciplinary Counsel, Dan Riley, sent a letter to Licensee again requesting the information and attaching a copy of Licensee’s 2017 renewal

application and the necessary questionnaire for the attestation question she answered “yes” to for completion and return within 14 days.

13. On or about March 19, 2018, Board staff tried calling Licensee; however, there was no answer.

14. On or about April 4, 2018, former Disciplinary Counsel, Mr. Riley, sent another letter requesting information and informing Licensee, in part that “failure to provide the legally requested information may subject you to disciplinary action by the Board: I will initiate an investigation into your failure to respond if I do not receive the requested information within the next **14 days**.” Emphasis in original.

15. On or about April 26, 2018, a certified letter was sent by Disciplinary Counsel, Reese H. Hays, to Licensee again requesting the previously requested information and stating in part that “failure to provide the legally requested information may subject you to disciplinary action by the Board: I will initiate an investigation into your failure to respond if I do not receive the requested information within the next **14 days**.” Emphasis in original.

16. On or about May 21, 2018, the certified letter was returned to Board staff as “UNCLAIMED UNABLE TO FORWARD.”

17. On or about May 24, 2018, an investigation was opened and assigned to a Board Investigator after no response was received from Licensee.

18. On or about June 1, 2018, the Board Investigator sent a certified letter to Licensee informing her about the open investigation and requesting her to provide information surrounding her “yes” answer on her 2017 renewal application no later than June 15, 2018. The Board Investigator also sent the letter via email to Licensee.

19. On or about July 6, 2018, the Board Investigator emailed Licensee a letter stating that the Board Investigator had received notification that Licensee signed for the certified mailing on June 4, 2018. The Board Investigator requested information on when her response could be expected.

20. To date, no response or information has been received as requested by Board staff, Disciplinary Counsels, and the Board Investigator from Licensee

21. Disciplinary Panel #33 authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

Applicable Law

22. K.S.A. 65-7313(a) of the Radiologic Technologists Practice Act states in pertinent part:

A license of a radiologic technologist may be limited, suspended or revoked, or the licensee may be censured, reprimanded, fined pursuant to K.S.A. 65-2863a, and amendments thereto, or otherwise sanctioned by the board . . . if it is found that the licensee or applicant:

(8) has been found guilty of unprofessional conduct under criteria which the board may establish by rules and regulation.

23. K.A.R. 100-73-6 states: “‘Unprofessional conduct’ shall mean the commission of any of the following by an applicant or a licensee: . . . (c) failing to furnish to the board, or to its investigators or representatives, any information legally requested by the board.”

Conclusions of Law

24. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

25. The Board finds that Licensee violated K.S.A. 65-7313(a)(8), as further defined in K.A.R. 100-73-6(c) when she repeatedly failed to respond or submit information requested by Board staff.

26. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a) in that the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

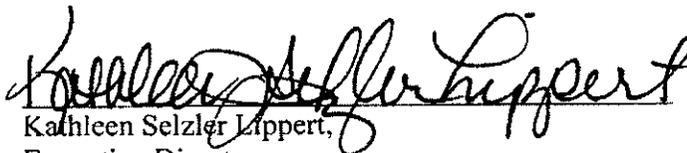
IT IS, THEREFORE, ORDERED that Licensee's license is hereby **INDEFINITELY SUSPENDED** for violating the Radiologic Technologist Practice Act. Licensee shall be Indefinitely Suspended until such time as she provides the requested information in response to Investigation Case No. 18-00861.

IT IS, THEREFORE, ORDERED that Licensee is **PUBLICLY CENSURED** for violations of the Radiologic Technologist Practice Act.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 30 day of Aug., 2018.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert,
Executive Director

FINAL ORDER 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, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 19th day of September, 2018 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Paula M. Wagner, LRT
[REDACTED]
Wichita, KS 67203

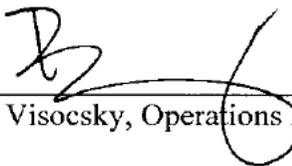
And a copy was hand-delivered to:

Susan R. Gering, Deputy Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Beth Visocsky, Operations Manager