

**EFFECTIVE AS A
FINAL ORDER**

DATE: 7-15-13

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

KS State Board of He
JUN 25 2013
FILED *CAD*

**In the Matter of
DENISE A. WILLIAMS, R.T.
Kansas License No. 16-04326**

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) **KSBHA Docket No. 13-HA 00110**
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SUMMARY ORDER

NOW ON THIS 24th day of June, 2013, 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. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Denise A. Williams, R.T. ("Licensee") was originally issued temporary license number T-3391 to practice as a Respiratory Therapist in the State of Kansas on July 12, 2012. Licensee's temporary license expired and was cancelled on January 12, 2013.
2. On or about February 28, 2013, Licensee submitted an application for an active license to practice Respiratory Therapy in the State of Kansas. Licensee's application for licensure was granted, and her license became active on March 5, 2013.
3. Licensee's last known mailing address as provided to the Board is: **Confidential** Street, Eudora, Kansas 66025.
4. In her application for licensure, Licensee disclosed that she had been practicing

respiratory therapy without a license since January 12, 2013.

Applicable Law

5. K.S.A. 65-5512(a) states: "Licenses issued under this act shall expire on the date of expiration established by rules and regulations of the board unless renewed in the manner prescribed by the board. The request for renewal shall be accompanied by the license renewal fee established pursuant to K.S.A. 65-5509, and amendments thereto. The board may establish additional requirements for license renewal which provide evidence of continued competency."
6. K.S.A. 65-5514(a) states: "On or after March 1, 2000, it shall be unlawful for any person who is not licensed under this act as a respiratory therapist . . . to hold themselves out to the public as a licensed respiratory therapist, or use the abbreviation of CRTT, RRT, RCP or the words 'respiratory therapist,' 'respiratory care practitioner', 'inhalation therapist' or any other words, letters, abbreviations or insignia indicating or implying that such person is a respiratory therapist, or to practice the art and science of respiratory therapy as herein defined. A violation of this subsection (a) shall constitute a class B misdemeanor."
7. K.S.A. 65-5510(a)(4)-(5) allows the Board to deny, suspend, limit, refuse to renew, place on probation, reprimand, publicly or privately censure, or revoke any license granted under the respiratory therapy practice act or take other disciplinary action as the Board may deem appropriate if it finds that the licensee has violated any of the provisions of this act or the rules and regulations adopted under this act.
8. K.S.A. 65-5510(c) allows the Board to "assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed \$ 5,000 for the first violations, \$ 10,000 for the second violation and \$ 15,000 for the third violation and for each subsequent violation. . . ."

Applicable Board Policy

9. KSBHA Board Policy No. 04-01, "Guidelines for Imposing Discipline Relating to Practice on a Cancelled License" provides for a civil fine when there is a violation of the policy. For non-Healing-Arts professions, a \$ 150.00 fine is recommended when a person practices between one (1) and sixty (60) days without a license.

Conclusions of Law

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

11. The Board finds that Licensee practiced as a Respiratory Therapist without being licensed from January 12, 2013, through February 28, 2013.

12. The Board finds that by practicing as a Respiratory Therapist without being properly licensed, Licensee violated the provisions of the Respiratory Therapy Practice Act pursuant to K.S.A. 65-5510(a)(5).

13. The Board finds that by practicing as a Respiratory Therapist without being properly licensed, Licensee violated a lawful rule of the Board pursuant to K.S.A. 65-5510(a)(4).

14. That by continuing to engage in the practice of respiratory therapy from January 12, 2013, through February 28, 2013, without being properly licensed, Licensee was in violation of K.S.A. 65-5514(a).

13. Based on the facts and circumstances set forth herein, it appears that 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 the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Denise A. Williams, R.T..

IT IS, THEREFORE, ORDERED that Licensee is hereby **FINED** \$ 150.00 for practicing as a Respiratory Therapist between January 12, 2013, and February 28, 2013, without being properly licensed. The fine shall be paid in full by July 31, 2013.

NOTICE AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level – Suite A, Topeka, KS 66612.

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 24 day of June, 2013.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Executive Director

Certificate of Service

I, Cathy Brown, certify that the foregoing Summary Order was served this 25th day of June, 2013, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Denise A. Williams, R.T.

Confidential

Eudora, KS 66025

and a copy was hand-delivered to:

Katy Lenahan

Licensing Administrator

Kansas State Board of Healing Arts

800 SW Jackson, Lower Level – Suite A

Topeka, KS 66612

Compliance Coordinator

Kansas State Board of Healing Arts

800 SW Jackson, Lower Level – Suite A

Topeka, KS 66612

Jessica A. Bryson

Associate Litigation Counsel

Kansas State Board of Healing Arts

800 SW Jackson, Lower Level – Suite A

Topeka, KS 66612

General Counsel's Office

Kansas State Board of Healing Arts

800 SW Jackson, Lower Level – Suite A

Topeka, KS 66612

and the original was filed with the office of the Executive Director:

Kathleen Selzler Lippert

Executive Director

Kansas State Board of Healing Arts

800 SW Jackson, Lower Level – Suite A

Topeka, KS 66612



Cathy Brown

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 15th day of July, 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

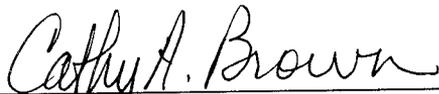
Denise A. Williams, R.T.
734 Ash Street
Eudora, KS 66025

Courtesy Copy provided:

Katy Lenahan, 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.



Cathy Brown, Executive Assistant