EFFECTIVE AS A FINAL ORDER

DATE: 1/15/15

FILED CAB

APR 15 2013

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of	)	
	)	Docket Number: 13-HA00081
Lisa Bussell, R.T.	)	
License No. 16-02737	)	
	)	

SUMMARY ORDER

NOW ON THIS 15th day of April, 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. Lisa Bussell, R.T. ("Licensee"), 33158 W 87th Cir, Desoto, Kansas, 66018, is licensed to practice as a respiratory therapist in the State of Kansas, License No. 16-02737, and has been so licensed since August 23, 2001.

2. Pursuant to K.A.R. 100-55-6, Licensee's license to practice as a respiratory therapist in the State of Kansas expires on March 31 of each year. On or about March 29, 2012, Licensee submitted an application for licensure renewal.

3. Pursuant to K.S.A. 65-5512, K.A.R. 100-55-6, and K.A.R. 100-55-7 each licensee desiring to renew a respiratory therapy license must have completed at least twelve (12) contact hours of continuing education since April 1 of the previous year. Each licensee shall provide

proof of satisfactory completion of the continuing education requirements to the Board upon request.

4. As part of the renewal process, Licensee certified that the rules regarding the continuing education requirements and the Board's procedures for auditing continuing education compliance had been read. Licensee further certified that the completion of at least twelve (12) contact hours had been achieved and that documentation of the completed continuing education would be maintained for a three-year period and produced to the Board upon request.

5. Licensee was randomly selected to provide verification of compliance with the continuing education requirements.

6. On or about May 14, 2012, a letter was mailed to Licensee requesting that Licensee provide, no later than June15, 2012, the records relied upon when Licensee certified completion of the required continuing education.

7. On or about June 21, 2012, a second notice letter was mailed by certified mail by Licensing requesting that Licensee provide, no later than July 6, 2012, the records relied upon when Licensee certified completion of the required continuing education.

8. On or about June 25, 2012, the second notice letter was returned by the United State Post Office with a change of address.

9. On or about June 26, 2012, a second notice letter was mailed by certified mail to the updated address given to the Board by the United States Postal Service, requesting that Licensee provide, no later than July 6, 2012, the records relied upon when Licensee certified completion of the required continuing education.

10. On or about July 6, 2012, a third notice letter was mailed by certified mail to the Licensees employment address, requesting that Licensee provide, no later than July 20, 2012, the records relied upon when Licensee certified completion of the required continuing education.

11. On or about July 9, 2012, the certified third notice letter mailed to the employment address was signed for by a representative of the licensee.

12. On or about July 23, 2012, the certified third notice letter mailed was returned by the United State Post Office as unclaimed.

13. Licensee failed to comply with the Board's request to provide documented evidence of compliance with the continuing education requirements by the deadline.

14. By failing to provide documented evidence of completion of the continuing education requirements, Licensee violated K.S.A. 65-5510(a)(4) by violating any lawful order or rule and regulation of the Board. Specifically, Licensee violated K.A.R. 100-55-5(h) by failing to furnish to the Board, or to its investigators or representatives, any information legally requested by the Board.

15. In addition to any other penalty prescribed under the Respiratory Therapy Practice Act, K.S.A. 65-5510(c) authorizes the Board to assess a civil fine in an amount not exceeding $5,000 for the first violation of the Respiratory Therapy Practice Act.

IT IS, HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:

16. Licensee is hereby assessed a **CIVIL FINE** for failure to comply with the Board's legal request for information.

17. Licensee is hereby ordered to pay the assessed **CIVIL FINE** pursuant to K.S.A. 65-5510(c) in the amount of **100.00**. The total amount of **100.00** shall be due on or before May 15, 2013.

18. Licensee shall make all payments payable to the Kansas State Board of Healing Arts and send all payments to the attention of: Licensing Audit Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

19. Licensee shall show completion of 12 hours of continuing education earned between April 1, 2012, and March 30, 2012, and submit this proof of completion to the Board within 30 days following service of this Summary Order.

20. Licensee's license may be suspended for failure to provide proof of the continuing education requirements and/or payment of the fine within the timeframe specified above.

IT IS SO ORDERED THIS 15th DAY OF April, 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Kathleen Selzler Lippert by KGS

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS
(Pursuant to K.S.A. 77-542)

Licensee is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Licensee desires a hearing, Licensee must file a written request for a hearing with:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

This request must be filed within fifteen (15) days from the date of service of this Order. If Licensee requests a hearing, the Kansas State Board of Healing Arts will notify the Licensee of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-542. In the event Licensee files a petition for judicial review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas State Board of Healing Arts is the 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 15th day of Jan., 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Lisa Bussell, RT
Confidential

Lenexa, KS 66227

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, 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 A. Brown

Cathy Brown, Executive Assistant