

**EFFECTIVE AS A
FINAL ORDER**

DATE: 7/29/14

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

FILED

JUL 09 2014

KS State Board of Healing Arts *[Signature]*

In the Matter of)
LAKENDRA COULTER, R.T.)
)
Kansas License No. 16-04475)
_____)

Docket No. 15-HA 00004

SUMMARY ORDER

NOW ON THIS 9th day of July, 2014, 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. 77-537, this Summary Order shall become effective as a Final Order, without further notice, if no 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. LaKendra Coulter, R.T. ("Licensee") was originally issued license number 16-04475 to practice as a respiratory therapist in the State of Kansas on or about March 4, 2014. Licensee's current license designation is active.

2. Licensee's last known mailing address as provided to the Board is: **Confidential**
Confidential Shawnee, Kansas 66217.

3. On or about February 24, 2014, pursuant to K.S.A. 65-5506, Licensee submitted an application for licensure to practice as a respiratory therapist in the State of Kansas.

4. Further, on or about February 24, 2014, during her initial application, Licensee remitted a check for payment of her application licensing fee, in the amount of \$84.75.

5. Licensee's application was approved and a license to practice respiratory therapy in the State of Kansas was granted on approximately March 4, 2014.

6. On or about March 25, 2014, the Board received notification from the State Treasury's Office that Licensee's license application remission of \$84.75 was returned for insufficient funds.

7. On or about March 25, 2014, Board staff sent a letter through the United States mail, first-class postage prepaid to Licensee that requested Licensee remit to the Board the licensing fee of \$84.75 and the returned check charge of \$30.00, for a total amount due to the Board of \$114.75 on or before April 8, 2014.

8. Licensee failed to remit the indebted amount to the Board in the amount of \$114.75 by the due date on or before April 8, 2014.

9. On or about April 18, 2014, Board staff sent another letter, this time certified, through the United States mail, first-class postage prepaid to Licensee that requested Licensee remit to the Board the licensing fee of \$84.75 and the returned check charge of \$30.00, for a total amount due to the Board of \$114.75 on or before May 21, 2014.

10. Licensee once again failed to remit the indebted amount to the Board in the amount of \$114.75 by the due date on or before May 21, 2014.

11. On or about June 9, 2014, Board staff sent another certified letter through the United States mail, first-class postage prepaid to Licensee that requested Licensee remit to the Board the licensing fee of \$84.75 and the returned check charge of \$30.00, for a total amount due to the Board of \$114.75 on or before June 23, 2014.

12. Licensee once again failed to remit the indebted amount to the Board in the amount of \$114.75 by the due date on or before June 23, 2014.

13. Moreover, to date, Licensee has not remitted to the Board her required application fee payment, or her returned check charge payment.

Applicable Law

14. K.S.A. 65-5506(a) of the Respiratory Therapy Practice Act states in pertinent part:

An applicant applying for licensure as a respiratory therapist shall file a written application on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements:

(3) Fees: The applicants shall pay to the board all applicable fees established under K.S.A. 65-5509 and amendments thereto.

15. K.A.R. 100-55-1 states in pertinent part:

(b) Each applicant shall submit the following with the application:

(1) The fee required by K.A.R. 100-55-4.

16. K.S.A. 65-5510(a) states in pertinent part:

The board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensee or applicant for licensure has been guilty of unprofessional conduct...

(4) [V]iolating any lawful order or rule and regulation of the board;

(5) [V]iolating any provision of this act.

Conclusions of Law

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

18. The Board finds that Licensee violated K.S.A. 65-5510(a)(4), in that Licensee failed to remit payment for her initial application fee to practice respiratory therapy in the State of Kansas as provided for in K.A.R. 100-55-1.

19. Further, the Board finds that Licensee violated K.S.A. 65-5510(a)(5), in that Licensee failed to remit payment for her initial fee application to practice respiratory therapy in the State of Kansas as provided in K.S.A. 65-5506(a)(3).

20. 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, LaKendra Coulter, R.T.

IT IS, THEREFORE, ORDERED that Licensee is hereby **INDEFINITELY SUSPENDED** for Licensee's violations of the Respiratory Therapy Practice Act. Licensee shall be Indefinitely Suspended until such time as she provides to the Board her application fee and returned check charge as required pursuant to K.S.A. 65-5506(a)(3), as further defined in K.A.R. 100-55-1(b)(1).

22. Licensee shall make all payments payable to the Kansas State Board of Healing Arts. All payments shall be in the form of Cashier's Check or Money Order, and Licensee shall send all payments to the attention of: Accountant, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 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 9th day of July, 2014.

Kansas State Board of Healing Arts


Kathleen Selzer 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 29th day of July, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

LaKendra Coulter, RT
Confidential
Shawnee, KS 66217

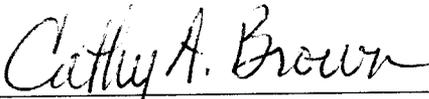
And a copy was hand-delivered to:

Jane Weiler, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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