

EFFECTIVE AS A FINAL ORDER

DATE: 10/3/16

FILED *CA*

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

SEP 1 2 2016

KS State Board of Healing Arts

In the Matter of)
MARY J. EDWARDS, R.T.)
)
Kansas License No. 16-00059)
_____)

Docket No. 17-HA 00007

SUMMARY ORDER

NOW ON THIS 12th day of September, 2016, 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. Mary J. Edwards, R.T. ("Licensee") was originally issued license number 16-00059 to practice as a respiratory therapist in the State of Kansas on or about August 15, 1987. Licensee's current license designation is Active, and such license was last renewed on or about March 23, 2016.

2. Licensee's last known mailing address as provided to the Board is: [REDACTED]
[REDACTED] Wichita, Kansas 67212.

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3. On or about March 23, 2016, pursuant to K.S.A. 65-5512, Licensee submitted an application for renewal of her license to practice as a respiratory therapist in the State of Kansas.

4. Further, on or about March 23, 2016, during her application renewal, Licensee utilized the KanPay Payment Portal to remit payment of her renewal licensing fee, in the amount of \$72.00.

5. As a result of the payment made through KanPay for the renewal fee, Licensee's application for renewal was approved, and her license to practice as a respiratory therapist in the State of Kansas was renewed on approximately March 23, 2016.

6. On or about August 9, 2016, the Board received notification from Kansas.gov, formally known as Information Network of Kansas, that Licensee's license renewal remission of \$72.00 was returned for insufficient funds.

7. On or about August 9, 2016, Board staff sent a letter through the United States Postal Service, First-Class Mail with postage prepaid to Licensee that requested Licensee remit to the Board the licensing fee of \$72.00 and the late renewal fee of \$5.00, for a total amount due to the Board of \$77.00 on or before August 19, 2016.

8. Licensee failed to remit the indebted amount to the Board in the amount of \$77.00 by the due date of August 19, 2016.

9. Moreover, to date, Licensee has not remitted to the Board her required licensing fee payment or her late fee payment.

Applicable Law

14. K.S.A. 65-5512(b) of the Kansas Respiratory Therapy Practice Act states in pertinent part:

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If the licensee fails to pay the renewal fee by the date of expiration, the licensee shall be given a second notice that the license has expired and the license may be renewed only if the renewal fee and the late renewal fee are received by the board within the thirty-day period following the date of expiration and that, if both fees are not received within the thirty-day period, the license shall be deemed canceled by operation of law without further proceedings for failure to renew and shall be reissued only after the license has been reinstated under subsection (c).

Conclusions of Law

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

16. The Board finds that Licensee violated K.S.A. 65-65-5512(b) in that Licensee has failed to remit the renewal fee as required for the renewal of her license to practice as a respiratory therapist in the State of Kansas.

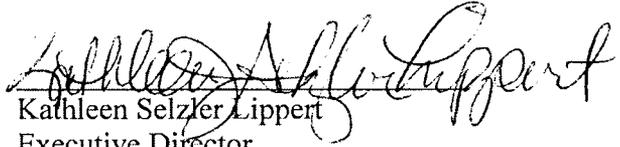
17. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection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

IT IS, THEREFORE, ORDERED that Licensee's license to practice as a respiratory therapist in the State of Kansas is hereby **CANCELED BY OPERATION OF LAW FOR FAILURE TO RENEW** for Licensee's failure to comply with the licensing renewal requirements of the Kansas Respiratory Therapy 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 12th day of September, 2016.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Executive Director

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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 3rd day of October, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Mary J. Edwards, RT
[REDACTED]

Wichita, KS 67212

And a copy was hand-delivered to:

Jane E. Weiler, Associate 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.



Cathy Brown, Executive Assistant