

FILED
JUN 20 2014
KS State Board of Healing Arts

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

In the Matter of)
TIFFANY G. FINDLEY, R.T.)
)
Kansas License No. 16-03385)
)
_____)

KSBHA Docket No. 09-HA00089

**FINAL ORDER DENYING REQUEST FOR
TERMINATION OF MONITORING**

NOW on this 13th day of June, 2014, comes before the Kansas State Board of Healing Arts (“Board”) the request of Tiffany Findley, R.T. (“Licensee”) to terminate the monitoring requirements in the Consent Order filed December 10, 2008, in this matter. Licensee appears in person, and *pro se*. Jane Weiler, Associate Litigation Counsel, appears on behalf of the Board.

Pursuant to the authority granted to the Board by the Kansas Respiratory Therapy Practice Act, K.S.A. 65-5501 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, receiving evidence, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is licensed to engage in the practice of respiratory therapy in the State of Kansas, having been issued License No. 16-03385.
2. On or about December 10, 2008, Licensee entered into a Consent Order with the Board. The Consent Order was entered to resolve concerns regarding Licensee’s disclosure of an arrest for her second Driving Under the Influence offense on her 2007 license renewal form.

Confidential

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4. The terms of the Consent Order allowed Licensee to petition the Board for modification or termination after five (5) years.

5. Confidential

6. On September 8, 2009, Licensee pled “No Contest” to and was convicted of Driving Under the Influence Third Offense, which is a felony.

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11. On July 15, 2013, Board staff notified Licensee to remind her of the requirements of her Consent Order.

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14. On October 22, 2013, Board staff notified Licensee to remind her of the requirements of her Consent Order.

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21. On April 21, 2014, Licensee submitted a request to the Board for termination of the monitoring provisions contained in the Consent Order.

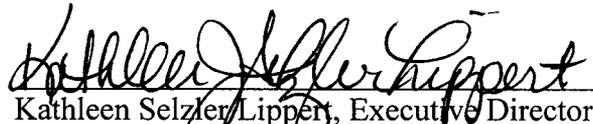
22. The purpose of the Consent Order's requirements is to ensure that Licensee is safe to practice respiratory therapy in Kansas. Noncompliance with those requirements diminishes the Board's confidence that Licensee is safe to practice without continued oversight.

23. Based on the evidence presented at the conference hearing, the Board finds that Licensee has not sufficiently complied with the terms of the Consent Order to warrant termination at this time.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's request to terminate the monitoring requirements of the Consent Order is hereby **DENIED**.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 20th DAY OF JUNE, 2014, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 State 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 and correct copy of the above and foregoing **FINAL ORDER DENYING REQUEST FOR TERMINATION OF MONITORING** was served this 20th day of June, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

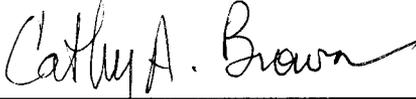
Tiffany G. Findley, RT
Confidential
Salina, KS 67401

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

Compliance Coordinator
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