EFFECTIVE AS A FINAL ORDER

DATE: 4/28/15

FILED

APR 09 2015

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of	)	
EMILY A. HORSTMEYER	)	
Kansas Student Respiratory Therapist	)	
Kansas Special Permit No. 19-00511	)	**Docket No. 15-HA** 00084
	)	

SUMMARY ORDER

NOW ON THIS 9th day of April, 2015, 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. Emily A. Horstmeyer ("Permittee") was originally issued the special permit No. 19-00511 to practice as a student respiratory therapist in the State of Kansas on or about October 13, 2014. Permittee's current special permit designation is active.

2. Permittee's last known mailing address as provided to the Board is: Confidential Confidential Overland, Kansas 66213.

3. On or about February 3, 2015, Board staff sent a letter through the United States Postal Service, First-Class with postage pre-paid to Permittee that requested Permittee provide to the Board, proof of current enrollment in an approved school of respiratory therapy and an

anticipated graduation date, on or before March 7, 2015, Permittee had failed to submit to the Board the required documents.

4. On or about March 13, 2015, the Board staff sent a second letter through the United States Postal Service, First-Class with postage pre-paid to Permittee that requested Permittee to provide to the Board, proof of current enrollment in an approved school of respiratory therapy and an anticipated graduation date, on or before March 31, 2015.

5. Permittee has not submitted to the Board documentation evidencing current enrollment in an approved school of respiratory therapy and an anticipated graduation date by the second due date of March 31, 2015.

Applicable Law

6. 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 which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:...(4) violating any ... rule or regulation of the board.

7. K.A.R. 100-55-9(c) states in pertinent part:

> During February of each year, each student who holds a special permit shall provide the following to the board: (1) Verification of current enrollment in an approved school of respiratory therapy; and (2) a statement of the anticipated graduation date.

Conclusions of Law

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

9. The Board finds that Permittee violated K.S.A. 65-5510(a) in that Permittee violated a rule and regulation of the Board. Specifically, Permittee violated K.A.R. 100-55-9(c)(1)and (2) in that she failed to submit to the Board documentation evidencing current enrollment in an approved school of respiratory therapy and an anticipated graduation date.

10. 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 Permittee, Emily A. Horstmeyer.

IT IS, THEREFORE, ORDERED that the Special Permit to practice respiratory therapy issued to Permittee is **CANCELLED** for Permittee's violations of the 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 9th **day of** April, **2015.**

Kansas State Board of Healing Arts

Kathleen Selzler Lippert

Kathleen Selzler 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 28th day of April, 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Emily A. Horstmeyer
Confidential

Overland Park, KS 66213

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 A. Brown

Cathy Brown, Executive Assistant