EFFECTIVE AS A FINAL ORDER

DATE: 7/8/16

FILED
JUN 22 2016
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of **JOSE O. MADRIGAL, R.T.** **Applicant for Kansas License**	)))))))	**Docket No. 16-HA00085**

PROPOSED DEFAULT ORDER DENYING APPLICATION FOR LICENSURE

NOW on this 10th day of June, 2016, comes on for conference hearing before the Kansas State Board of Healing Arts ("Board") the Application for Licensure of Jose O. Madrigal, R.T. ("Applicant"). Tracy Fredley, Associate Litigation Counsel, appears on behalf of the Respondent Board. Applicant fails to appear.

Pursuant to the authority granted to the Board by 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 Proposed Default Order in the above-captioned matter.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. On or about November 30, 2015, Applicant submitted an Application for a license to practice as a respiratory therapist in the State of Kansas. Such application was deemed complete and filed with the Board on April 13, 2016.

2. On April 14, 2016, Associate Litigation Counsel filed a Response to Application for License to Practice Respiratory Therapy ("Response in Opposition") and offered Board Exhibits 1, through 4 into evidence.

3. Applicant was served with a copy of the Response in Opposition on April 14, 2016, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

4. A Conference Hearing was scheduled to be held on June 10, 2016, regarding Applicant's Application for Licensure and a Notice of Conference Hearing was served on Applicant on May 10, 2016, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

5. Applicant failed to appear at the conference hearing regarding his Application for Licensure held on June 10, 2016. At the conference hearing, Associate Litigation Counsel moved for issuance of a proposed default order denying Applicant's Application for Licensure.

6. The Board finds Applicant is in default pursuant to K.S.A. 77-520.

7. The factual and legal allegations set forth in the Response in Opposition are deemed undisputed.

8. Board Exhibits 1 through 4 are admitted into evidence.

9. Based on the undisputed allegations set forth in the Response in Opposition and evidence in the agency record, the Board concludes that denial of Applicant's Application for Licensure is warranted in the circumstances.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant's Application for Licensure is hereby **DENIED**.

IT IS SO ORDERED THIS 22 DAY OF JUNE, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

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 DENYING APPLICATION FOR LICENSURE** was served this 8th day of July, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Jose O. Madrigal, RT
Confidential
Anchorage, AK 99508

And a copy was hand-delivered to:

Tracy Fredley, 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

Kelli Stevens, 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