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DATE: 3/16/16

FILED (initials)

FEB 23 2016

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of Ashlie A. Osborn, R.T. 16-03343 Kansas License No. 16-00343

KSBHA Docket No. 16-HA 00069

SUMMARY ORDER

NOW ON THIS 22 day of February, 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 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written 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. Ashlie A. Osborn, R.T. ("Licensee") was originally issued license number 16-03343 to practice respiratory therapy in the state of Kansas on July 6, 2006. Licensee's current license designation is active, and such license was last renewed on or about January 7, 2015.
2. Licensee's last known mailing address to the Board is: Confidential Emporia Kansas, 66801.
3. Licensee was originally licensed in Kansas on July 6, 2006. On March 31, 2010, Licensee's license expired and on May 1, 2010, Licensee's license was cancelled for failure to renew.
4. On January 7, 2015 Licensee's license was reinstated to active status.

5. While Licensee's license was cancelled, Licensee began working for Sleep Management, a Louisiana based company. Licensee was employed to open a new territory in the Wichita, Kansas area.
6. Licensee's business card for Sleep Management indicates that she was a sales representative and was an RRT.
7. On December 5, 2014, Licensee obtained a physician's order for a ventilation system for a patient.
8. On January 6, 2015, Licensee notified the physician that the patient had been set up with the prescribed ventilation system.
9. Licensee admits that the medical director for Sleep Management, under whose direction she performs her duties, is not a Kansas licensed physician.
10. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board's Disciplinary Panel No. 30. The Disciplinary Panel authorized and directed the issuance of this Summary Order and the specific disciplinary sanctions.

#### **Applicable Law**

11. K.S.A. 65-5514(a) of the Kansas Respiratory Therapy Act states in pertinent part:

On and after March 1, 2000, it shall be unlawful for any person who is not licensed under this act as a respiratory therapist or whose license has been suspended or revoked to hold themselves out to the public as a licensed respiratory, or to use the abbreviation of CRTT, RRT, RCP or the words "respiratory therapist," "respiratory care practitioner," "inhalation therapist," or any other words, letters, abbreviations, or insignia implying that such person is a respiratory therapist, or to practice the art of respiratory therapist as herein defined.

#### **Conclusions of Law**

12. The Board finds that Licensee violated K.S.A. 65-5514(a) when she practiced respiratory therapy and held herself out to the public as a respiratory therapist while her license was cancelled.

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

14. Based on the facts and circumstances set forth herein, 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 law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

**IT IS, THEREFORE, ORDERED** that Licensee is **FINED** One Hundred and Fifty Dollars and Zero Cents (\$ 150.00) for violating K.S.A. 65-5514(a) of the Kansas Respiratory Therapy Act. Such fine shall be paid to the "Kansas State Board of Healing Arts" in full on or before May 1, 2016. All monetary payments, which shall be in the form of cashier's check or money order, relating to this Summary Order shall be mailed to the Board certified mail addressed to: 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 22 day of February, 2016.

**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 16<sup>th</sup> day of March, 2016 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Ashlie A. Osborn, RT  
**Confidential**  
Emporia, KS 66801

And a copy was hand-delivered to:

Anne Barker Hall, 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.

  
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Cathy Brown, Executive Assistant