EFFECTIVE AS A FINAL ORDER

DATE: 3/2/2016

FILED

FEB 10 2016

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of	)	
ALAINA N. ZICARELLI, L.R.T.	)	
	)	
Kansas License No. 22-04791	)	**Docket No. 16-HA** 0003
	)	

SUMMARY ORDER

NOW ON THIS 10th 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. 77-537, 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. Alaina N. Zicarelli, L.R.T. ("Licensee") was originally issued license number 22-04791 to practice as a radiographic technologist in the State of Kansas on or about September 10, 2014. Licensee's current license designation is Active, and such license was last renewed on or about August 19, 2015.

2. Licensee's last known mailing address as provided to the Board is: Confidential Ave., Kansas City, Missouri 64133.

3. On or about August 19, 2015, pursuant to K.S.A. 65-7307, Licensee submitted an application for the renewal of her license to practice as a radiographic technologist in the State of Kansas.

4. Further, on or about August 19, 2015, during her application renewal, Licensee utilized the KanPay Payment Portal to remit payment of her renewal licensing fee, in the amount of $45.00.

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 radiologic technologist in the State of Kansas was renewed on approximately August 19, 2015.

6. On or about January 7, 2016, the Board received notification from Kansas.gov, formally known as Information Network of Kansas, that Licensee's license renewal remission of $45.00 was returned for insufficient funds.

7. On or about January 14, 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 $45.00 and the late fee of $5.00, for a total amount due to the Board of $50.00 on or before January 28, 2016.

8. Licensee failed to remit the indebted amount to the Board in the amount of $50.00 by the due date of January 28, 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. 65-7307(b) of the Kansas Healing Arts Act states in pertinent part:

> If the licensee fails to submit an application for renewal on a form provided by the board, or fails to pay the renewal fee by the date of expiration, the board shall give a second notice to the licensee that the license has expired and the license may be renewed only if the application for renewal, 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 licensee shall be deemed canceled by operation of law and without further proceedings.

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 has failed to comply with K.S.A. 65-7307(b) in that Licensee has failed to remit the renewal fee as required for the renewal of her Kansas license to practice as a radiographic technologist.

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, Alaina N. Zircarelli, L.R.T.

IT IS, THEREFORE, ORDERED that Licensee's Kansas license to practice as a radiologic technologist is hereby **CANCELED BY OPERATION OF LAW FOR FAILURE TO RENEW** for Licensee's failure to comply with the licensing renewal requirements of the Radiographic Technologists 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 10th **day of** February**, 2016.**

Kansas State Board of Healing Arts

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

Alaina N. Zicarelli, LRT
Confidential

Kansas City, MO 64133

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