

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

KS State Board of Healing Arts

In the Matter of)
BRIAN J. SEWELL, R.T.)
)
Kansas License No. 16-03488)
_____)

KSBHA Docket No. 11-HA00046

FINAL ORDER TERMINATING MONITORING REQUIREMENTS

NOW, on this 7th day of December 2012, comes before the Kansas State Board of Healing Arts (“Board”) the request of Brian Sewell, R.T. (“Licensee”) for termination of the monitoring requirements contained within the Consent Order previously entered in this matter. Licensee appears in person and *pro se*. Stacy R. Bond, Associate Litigation Counsel, appears on behalf of the Petitioner 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 following a conference hearing in the above-captioned matter. After reviewing the agency record, hearing the testimony and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Brian Sewell, R.T. (“Licensee”) is licensed to practice respiratory therapy in the State of Kansas, having been issued License No. 16-03488 on approximately May 24, 2007.
2. On or about December 7, 2011, Licensee entered into a Consent Order with the Board based upon information disclosed upon renewal of his license regarding criminal convictions **Confidential**

3. Confidential

Confidential

4. The monitoring provisions of the Consent Order are not self-terminating, but allow Licensee to request the Board for termination upon successful completion of a three (3) year period of compliance.

5. On or about November 7, 2012, the Board received a request from Licensee seeking early termination of the monitoring requirements contained within the Consent Order.

6. Confidential


Confidential

7. On November 8, 2012, the Respondent Board filed a Response to Licensee's request for termination of the monitoring provisions contained within the Consent Order.

8. The Board finds that Licensee has demonstrated satisfactory compliance with Confidential to-date and that based upon the particular circumstances of Licensee, early termination should be granted.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Licensee's request to terminate the monitoring requirements contained in the Consent Order is hereby granted.

IT IS SO ORDERED THIS 31st DAY OF DECEMBER, 2012, 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 Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing **FINAL ORDER TERMINATING MONITORING REQUIREMENTS** was served this 31st day of December, 2012, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

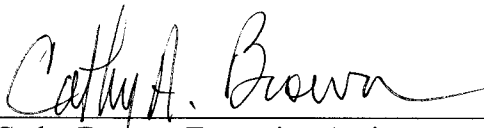
Brian J. Sewell, R.T.
Confidential
Shawnee, KS 66216

And a copy was hand-delivered to:

Jessica A. Bryson, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Melissa Massey, 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