

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

In the Matter of	)	
	)	KSBHA Docket No. 25-HA-00009
Sylvia M. Obaya, R.T.	)	
Kansas License No. 16-02393	)	

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CONSENT ORDER

COMES NOW, Disciplinary Panel No. 39 ("Panel"), a duly authorized committee of the Kansas State Board of Healing Arts ("Board"), by and through Matthew Gaus, Deputy Litigation Counsel, and Sylvia M. Obaya, R.T. ("Licensee"), by and through her attorney, Danielle R. Sanger, Sanger Law Office LLC, and move the Board for approval of this Consent Order affecting Licensee's license to practice respiratory therapy in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last mailing address known to the Board is **CONFIDENTIAL**  
**CONFIDENTIAL**. Licensee's last email address as known to the Board is **CONFIDENTIAL**.

2. Licensee is or has been entitled to engage in the practice of respiratory therapy in Kansas, having been issued License No. 04-23858 on April 16, 1999, and having reinstated such license on February 21, 2023. Licensee's current license designation is Active, having last renewed such license on February 23, 2024.

3. At all times relevant to the allegations set forth in this Consent Order, Licensee has held an Active license to practice respiratory therapy in the State of Kansas.

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4. The Board has received information **CONFIDENTIAL** has reason to believe there may be grounds pursuant to K.S.A. 65-5510(a)(3) to take action with respect to Licensee's license under the Kansas Respiratory Therapy Practice Act, K.S.A. 65-5501, *et. seq.*

5. On or about November 2, 2023, Licensee entered into a Plea Agreement with the United States Government in the United States District Court – District of Kansas.

6. In the Plea Agreement, Licensee entered a guilty plea to a violation of 18 U.S.C. 1344(2), namely, Bank Fraud.

7. By the terms of the Plea Agreement, Licensee admitted “to knowingly committing the offense, and to being guilty of the offense.”

8. By the terms of the Plea Agreement, Licensee agreed “the facts constituting the offense to which [Licensee] is pleading guilty are as follows”:

“Beginning sometime before August of 2015, and running through September of 2022 [Licensee] served as the account manager for the **CONFIDENTIAL**, a 501(c)(3) nonprofit organization located in Topeka, Kansas, operating as the philanthropic arm of the **CONFIDENTIAL**. As part of her duties as the account manager, the Defendant was responsible for writing and administering checks to various payees. The checks, however, required the authorized signatures of two (2) **CONFIDENTIAL** officers.

Between August of 2015, through September of 2022, in the District of Kansas [Licensee] without authority, wrote herself 347 checks from two **CONFIDENTIAL** accounts that were held by **CONFIDENTIAL**, a financial institution located in Topeka, Kansas. The approximate amount of money the Defendant unlawfully took from **CONFIDENTIAL** was \$554,491.14. No officer from **CONFIDENTIAL** authorized these payments from the Defendant to herself.

The first account was the **CONFIDENTIAL** Scholarship and Loan Account. Between August 14, 2015, and February 9, 2021, the Defendant wrote herself 280 checks totaling approximately \$457,780.00 from this account.

The second account was the **CONFIDENTIAL** Operating Account. Between March 19, 2019, and September 1, 2022, the Defendant wrote herself 67 checks totaling approximately \$ 96,711.14 from this account.

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# CONFIDENTIAL

To hide here [sic] scheme to defraud the Defendant would alter copies of the returned checks written to herself on ~~CONFIDENTIAL~~ account to make it appear that the checks were written to another payee, in turn altering 's accounting system. The Defendant would then throw away the original checks.”

9. On or about February 22, 2024, the United States District Court – District of Kansas issued a Judgment in a Criminal Case accepting Licensee’s guilty plea and sentencing her to 21 months in prison.

10. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of respiratory therapy. K.S.A. 65-5501 *et seq.*

11. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Respiratory Therapy Practice Act with respect to the above allegations. Licensee further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

12. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

13. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A.

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77-505. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

14. The Kansas Respiratory Therapy Practice Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

15. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

16. A protective order is hereby entered to protect all confidential information under K.S.A. 65-2898a.

17. All pending investigation materials in **CONFIDENTIAL** were fully reviewed and considered by the members of Disciplinary Panel #39. Disciplinary Panel # 39 authorized and directed counsel to seek settlement of this matter with the provisions contained in this Consent Order.

18. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's license to practice medicine and surgery in Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or

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conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on her own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501, *et seq.* and the Kansas Respiratory Therapy Practice Act, K.S.A. 65-5501, *et seq.*

19. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Respiratory Therapy Practice Act or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921, *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Respiratory Therapy Practice Act.

20. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees, and agents (hereinafter collectively referred to as "Releasees") from any and all claims, including but not limited to those for alleged damages, actions liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601, *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

21. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

22. Licensee agrees all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

23. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

24. Licensee acknowledges she has read this Consent Order and fully understands the contents.

25. Licensee acknowledges this Consent Order has been entered into freely and voluntarily.

26. Licensee shall obey all federal, state, and local laws and rules governing the practice of medicine and surgery in Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

27. Licensee shall immediately notify Board or its designees of any citation, arrest, or charge filed against her or any conviction for a criminal or traffic offense, excluding minor traffic infractions.

28. Licensee shall immediately notify the Board or its designee of any complaint filed, or investigation opened, by the proper licensing authority of another state, territory District of Columbia, or other country, or by a peer review body, a health care facility, professional association or society, or by a governmental agency.

29. Licensee shall at all times keep Board staff informed of her current practice location addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) days of any such change.

30. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 77-505 and K.S.A. 65-5510. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

31. This Consent Order constitutes **public discipline**.

32. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

33. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against her license to practice respiratory therapy:

## SUSPENSION

34. Licensee's license to practice respiratory therapy is hereby **INDEFINITELY SUSPENDED**, effective as of the date of execution of this Consent Order.

35. Not sooner than eighteen (18) months from the date of execution of this Consent Order, Licensee may, by written request to the Board, request the indefinite suspension be terminated or stayed.

36. The indefinite suspension may be terminated or stayed only upon Licensee demonstrating to the Board that such action is warranted under the eight (8) factors to be considered, as articulated by the Kansas Supreme Court in *Vakas v. Kansas Board of Healing Arts*, 248 Kan. 589 (1991).

37. Upon the Board's approval of termination or stay of the suspension, Licensee shall be required, as a precondition to receiving an Active license to practice respiratory therapy:

- a. To pay any required fees for the reinstatement of her license, should such license lapse due to a failure to renew; and
- b. To show proof of present ability to practice respiratory therapy with safety and competence as follows:
  1. If the time since between Licensee's last date of clinical practice and the date the suspension is terminated or stayed is less than five years, Licensee shall provide:
    - a. Proof of completion of a minimum of 24 contact hours of continuing education within the 12 months prior to the termination or stay of the suspension; or

- b. Proof Licensee has passed one of the examinations required for a license within the 12 months prior to the termination or stay of the suspension.
2. If the time since between Licensee's last date of clinical practice and the date the suspension is terminated or stayed is five years or greater Licensee shall provide proof of passing one of the examinations required for a license within the 12 months prior to the termination or stay of the suspension.
38. All correspondence or communication between Licensee and the Board relating to this Consent Order, including but not limited to the submission of any required proof of continuing education or passing an examination, shall be sent to the Board, addressed to:

Kansas State Board of Healing Arts  
Attention: Compliance Coordinator  
800 SW Jackson Lower Level Ste A  
Topeka, Kansas 66612  
KSBHA\_ComplianceCoordinator@ks.gov

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

**IT IS SO ORDERED** on this 17<sup>th</sup> day of February, 2025.

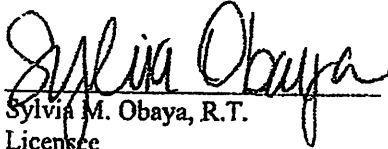
**FOR THE KANSAS STATE BOARD OF  
HEALING ARTS:**

Susan Gile  
Susan Gile  
Executive Director

2/17/25  
Date

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License Number 16-02393

  
Sylvia M. Obaya, R.T.  
Licensee

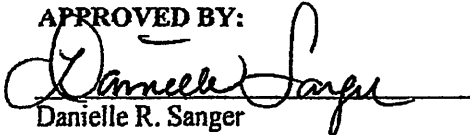
12/12/24  
Date

**PREPARED BY:**

/s/ Matthew Gaus

Matthew Gaus, #22609  
Deputy Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson Ave, Lower Level Ste A  
Topeka, Kansas 66612  
(785) 296-8022 (phone)  
(785) 368-7103 (fax)  
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**APPROVED BY:**

  
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dsanger@sangerlawoffice.com  
Attorney for Licensee

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I served a true and correct copy of the above **Consent Order** by United States mail, postage prepaid, and via e-mail on this 17<sup>th</sup> day of February, 2025, to the following:

Sylvia M. Obaya, R.T.

**CONFIDENTIAL**

*Licensee*

Danielle R. Sanger  
5040 Bob Billings Parkway, Suite C-1  
Lawrence KS 66049  
dsanger@sangerlawoffice.com  
*Attorney for Licensee*

And the original was hand-filed with:

Executive Director  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

And a copy was hand-delivered to:

Matthew Gaus  
Deputy Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Compliance Coordinator  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

Licensing Administrator  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

  
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Staff Member

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