

**STATE OF KANSAS
DEPARTMENT OF HEALTH AND ENVIRONMENT**

In the Matter of Licensure of
Kristine Luthi Home Day Care
18409 W. 114th St.
Olathe, Kansas 66061

Case No. 16-H-079

A Day Care Home Operated by
Kristine Luthi

Day Care License No. 500493

EMERGENCY ORDER OF SUSPENSION

NOW on this 15th day of July, 2016, Susan Mosier, MD, Secretary of the Kansas Department of Health and Environment [Secretary], reviews the file on the day care home operated by Kristine Luthi [Licensee].

WHEREUPON, the Secretary finds that:

1. The Kansas Department of Health and Environment [KDHE] issued to Licensee, pursuant to K.S.A. 65-501 *et seq.*, a renewed license to operate a day care home, effective February 1, 2016.

2. During September 2015 a dog owned by the Licensee bit a child in care. In January 2016 the dog owned by the Licensee bit a parent of a child in care. Thereafter, the Licensee agreed to keep the dog on a different level of the home so that the dog would not be around children. On or about July 5, 2016, the dog bit a child in care on the face. As a result, the injury to the child required medical treatment.

3. K.S.A. 65-524 authorizes the Secretary to suspend a license to operate a day care home prior to a hearing when, in the opinion of the Secretary, said suspension is necessary to protect any child in the home from physical or mental abuse, abandonment, or any other substantial threat to health or safety.

4. Due to the facts contained in paragraph 2 above, the Secretary has determined that immediate suspension of Licensee's license is necessary to protect children in Licensee's care from a substantial threat to their health or safety.

5. Licensee is hereby required, pursuant to K.S.A. 65-506, to notify the parents and guardians of the children in care in writing that her license has been suspended.

WHEREUPON, the Secretary hereby suspends Licensee's license to operate a day care home, effective immediately, thereby prohibiting Licensee from caring for children. This Emergency Order of Suspension remains in effect until the issuance of an order rescinding this order.

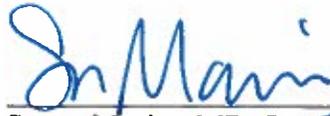
RIGHT TO A HEARING

This Emergency Order of Suspension is issued pursuant to K.S.A. 77-536 of the Kansas Administrative Procedure Act.

Licensee may file a Petition for Reconsideration by filing such petition with Secretary Susan Mosier, MD, Secretary, Kansas Department of Health and Environment, Curtis State Office Bldg., Ste. 540, 1000 SW Jackson, Topeka, Kansas 66612. The Petition for Reconsideration shall be filed within 15 days of the service of the Emergency Order of Suspension. The filing of a petition is not a prerequisite for seeking administrative review.

Licensee may file a Petition for Judicial Review pursuant to K.S.A. 77-610. A Petition for Judicial Review shall be filed within 30 days after service of the Emergency Order of Suspension or 30 days after an Order Denying a Request for Reconsideration. Service of the Petition for Judicial Review shall be served on Secretary Susan Mosier, MD, Secretary, Kansas Department of Health and Environment, Curtis State Office Bldg., Ste. 540, 1000 SW Jackson, Topeka, Kansas 66612.

IT IS SO ORDERED.



Susan Mosier, MD, Secretary
Kansas Department of Health and Environment

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July, 2016, a true and correct copy of the above and foregoing Emergency Order of Suspension was deposited in the U.S. Postal Service, first-class, postage prepaid, addressed to:

Kristine Luthi Home Day Care
18409 W. 114th St.
Olathe, Kansas 66061

Brenda Sloop
Staff Member

And on the _____ day of _____, 2016, a facsimile copy of the above and foregoing Emergency Order of Suspension was hand-delivered to:

Kristine Luthi Home Day Care
18409 W. 114th St.
Olathe, Kansas 66061

By _____