

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of
Jessica A. Craine, P.T.

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Docket No. 23-HA 20003

KSBHA License No. 11-04158

CONSENT ORDER

COMES NOW, Disciplinary Panel No. 33 ("Panel"), an appointed committee of the Kansas State Board of Healing Arts ("Board"), by and through Matthew Gaus, Associate Litigation Counsel, and Jessica A. Craine, P.T. ("Licensee"), *pro se*, and move the Board for approval of this Consent Order affecting Licensee's license to practice as a physical therapist in Kansas. The Board and Licensee stipulate to the following:

1. Licensee's last known mailing address to the Board is: **CONFIDENTIAL**
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2. Licensee is or has been entitled to practice as a physical therapist in the State of Kansas, having been issued License No. 11-04158 on or about August 5, 2010. Licensee last renewed such license on or about December 27, 2021. Licensee's current license status is Active.
3. At all times relevant to the facts and allegations set forth in this Consent Order, Licensee has held an Active license to practice as a physical therapist in the State of Kansas.
4. The Board has received information and investigated the same, and has reason to believe there are grounds to take action under the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*

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10. Licensee has been offered a position of Director of Rehabilitation at **CONFIDENTIAL** **CONFIDENTIAL**. This position will not require Licensee to be involved in direct patient care, nor will Licensee have access to **CONFIDENTIAL**.

11. 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.

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

12. The Board is the sole and exclusive administrative agency in Kansas authorized to regulate the practice of the healing arts, and specifically the practice of physical therapy. K.S.A. 65-2901 *et seq.*

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

14. 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.

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. 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 Physical 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.

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18. All pending **CONFIDENTIAL** materials in KSBHA **CONFIDENTIAL** regarding Licensee and all materials concerning Licensee's compliance **CONFIDENTIAL** **CONFIDENTIAL** were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 33 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

19. 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 as a physical therapist 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 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 Physical Therapy Practice Act K.S.A. 65-2901 *et seq.*

20. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Physical 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 Physical Therapy Practice Act.

21. 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.

22. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

23. 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.

24. Licensee agrees that 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.

25. 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.

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

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

28. Licensee shall obey all federal, state, and local laws and rules governing the practice of physical therapy 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.

29. 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. 65-2912. 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.

30. Licensee shall immediately notify the Board or its designees of any citation, arrest or charge filed against her or any conviction for any traffic or criminal offense excluding speeding and/or parking violations.

31. 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, a professional association or society, or by a governmental agency.

32. Licensee shall at all times keep Board staff informed of her current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten days of any such change.

33. This Consent Order constitutes **public disciplinary action**.

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

35. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following actions against her license to practice as a physical therapist:

PRACTICE LIMITATIONS

36. Licensee agrees to the following limitations on her license to practice physical therapy:

- a. Licensee will not participate in direct patient care, and that her practice of physical therapy will be limited to administrative and/or consultative tasks.
- b. Licensee agrees that she will not have access, nor will she seek to obtain access, to any prescription medications in relation to her practice of physical therapy.
- c. Should Licensee accept employment prior to the Board's approval of this Consent Order, Licensee agrees to abide by the limitations on patient care and access to prescription medications outlined above.

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MISCELLANEOUS

42. All documentation required pursuant to this Consent Order shall be mailed to the

Board by certified mail, addressed to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_compliancecoordinator@ks.gov

TIMEFRAME

43. This Consent Order shall be terminated upon completion and satisfaction of all terms and conditions contained above.

44. Licensee may petition the Board to have the limitations on her license terminated after twenty (20) months from the execution of this Consent Order, if Licensee:

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45. Should Licensee cease practice prior to completion of the **CONFIDENTIAL** requirements of this Consent Order, Licensee shall immediately inform the Board that she has ceased practice. In such case, all requirements of this Consent Order will toll until such time as Licensee resumes practice.

IT IS HEREBY 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 15th day of August, 2022.

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

Susan Hill

8/15/2022

Date

Jessica A. Craine P.T.

Jessica A. Craine, P.T.

Licensee

June 6, 2022

Date

PREPARED BY:

/s Matthew Gaus

Matthew Gaus, #22609
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
Phone: 785-296-8022
Fax: 785-368-8210
Matthew.Gaus@ks.gov

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Kansas License No. 11-04158

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, as well as via email, on this 15th day of August, 2022, to the following:

Jessica A. Craine

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Licensee

And the original was hand-filed with:

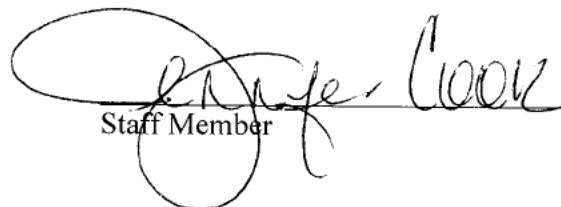
Office of the Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was hand-delivered to:

Matthew Gaus
Associate 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


Staff Member

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