

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

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KS State Board of Healing Arts

In the Matter of)
MARLYSE ANDERSON, P.A.)
)
Kansas License No. 15-01347)
_____)

Docket No. 10-HA00098

FINAL ORDER

NOW ON THIS 23rd day of February, 2010, the above-entitled matter comes on before

Kathleen Selzler Lippert, Interim Executive Director of the Kansas State Board of Healing Arts.

After reviewing the file and being duly advised in the premises, the Interim Executive Director makes the following determinations.

1. On January 20, 2010, the Interim Executive Director issued a Summary Order regarding the license of Marlyse Anderson, P.A. (“Licensee”) to practice as a physician assistant in the State of Kansas. Such Summary Order was served on January 21, 2010, by depositing the same in the United States Mail first-class postage prepaid to Licensee’s last known address.

2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

3. No hearing has been requested by any party therefore the Summary Order became effective as a Final Order on February 9, 2010.

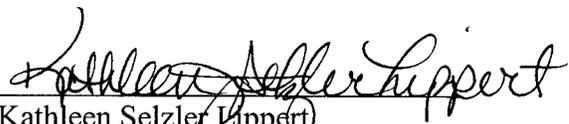
IT IS SO ORDERED.

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed pursuant to K.S.A 77-613(e), the Agency Officer to be served on behalf of the Kansas State Board of Healing Arts is Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603.

Dated this 23rd day of February 2010.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Interim Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 23rd day of February 2010, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Marlyse Anderson, P.A.
(confidential)
Wichita, Kansas 67212

and a copy was hand-delivered to:

Stacy R. Bond
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Melissa Massey

Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

And the original was filed with the office of the Executive Director:

Kathleen Selzler Lippert
Interim Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant

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OF THE STATE OF KANSAS

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KS State Board of Healing Arts

In the Matter of)
MARLYSE ANDERSON, P.A.)
)
Kansas License No. 15-01347)
_____)

Docket No. 10-HA 00098

SUMMARY ORDER

NOW ON THIS 20th day of Jan, 2010, this matter comes before Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts (“Board”), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Marlyse Anderson, P.A. (“Licensee”) was issued a temporary license on September 26, 2008. Licensee was issued license number 15-01347 to practice as a physician assistant in the State of Kansas on October 6, 2009. Licensee’s license is currently active.
2. Licensee’s last known mailing address as provided to the Board at the time of her application for licensure is (confidential), Wichita, Kansas 67212.
3. On or about September 18, 2009, the Board received an application from Licensee for physician assistant licensure. Licensee’s temporary license expired on September 26, 2009; after

Licensee failed to provide the required documentation to have her temporary permit changed to a permanent license by the expiration date.

4. Licensee stated that she worked as a physician assistant with Cardiovascular Consultants of Kansas in Wichita under supervising physician, Dr. Jason Tauke, from September 27, 2009 through September 29, 2009. On the morning of September 29, 2009, Licensee discovered that her license had expired and immediately stopped working as a physician assistant.

5. Licensee's license was issued on October 6, 2009. Licensee worked from September 27, 2009 through September 29, 2009 as a physician assistant without being properly licensed.

Applicable Law

6. K.S.A. 65-28a01 states: Physician assistant licensure act; citation. K.S.A. 65-28a01 to 65-28a12, inclusive, and amendments thereto, of this act shall be known and may be cited as the physician assistant licensure act.

7. K.S.A. 65-28a06(a) states: It shall be unlawful for any person who is not licensed under this act or whose license has been revoked or suspended to engage in the practice as a physician assistant as defined by this act.

(b) No person shall use any title, abbreviation, letters, figures, sign, card or device to indicate that any person is a licensed physician assistant, nor shall any person represent oneself to be a licensed physician assistant unless such person has been duly licensed as a physician assistant in accordance with the provisions of this act.

8. K.S.A. 65-28a05 states in pertinent part: A licensee's license may be revoked, suspended or limited, or the licensee may be publicly or privately censured, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(a) The licensee has committed an act of unprofessional conduct as defined by rules and regulations adopted by the board;

(e) The licensee has violated any provision of this act and amendments thereto

K.A.R. 100-28a-8. Unprofessional conduct: defined. “Unprofessional conduct” means any of the following:

(r) committing conduct likely to deceive, defraud, or harm the public;

Conclusions of Law

9. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

10. The Board finds that Licensee practiced as a physician assistant without being licensed from September 27, 2009 until September 29, 2009.

11. The Board finds that by practicing as a physician assistant without being properly licensed, Licensee engaged in conduct that could deceive, defraud or harm the public.

12. That by continuing to engage in the practice of physician assistance from September 27, 2009 to September 29, 2009, without being properly licensed, Licensee was in violation of K.S.A. 65-28a05(a) and K.A.R. 100-28a-8(r).

13. 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, Marlyse Anderson.

IT IS, THEREFORE, ORDERED that Licensee is hereby Publicly Censured.

NOTICE AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary

Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

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 20th day of Jan 2010.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Interim Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 21st day of January 2010, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Marlyse Anderson, P.A.

(confidential)

Wichita, KS 67212

and a copy was hand-delivered to:

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

Melissa Massey
Compliance Monitor
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Stacy R. Bond
Associate Counsel
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

and the original was filed with the office of the Executive Director:

Kathleen Selzler Lippert
Interim Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603



Cathy Brown
Executive Assistant