

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED JAB

JUN 1 2 2006

In the Matter of)
Dennis Arthur, PT)
)
Kansas License No. 11-00768)
_____)

KS State Board of Healing Arts

Docket No. 05-HA-0003

FINAL ORDER

NOW ON THIS 7th day of June, 2006, this matter comes on for hearing.

Respondent Dennis Arthur, P.T. appears in person and through N. Larry Bork of Goodell, Stratton, Edmonds & Palmer. Diane L. Bellquist, Associate Counsel, appears for the Board.

Having the agency record before it, the Presiding Officer finds, concludes and orders as follows:

1. This case began with a Petition that was filed August 12, 2004 alleging that Respondent had violated the physical therapy act by committing boundary violations with patients. The case was resolved with a Consent Order dated December 13, 2004. That Consent Order required among other things that Respondent have a chaperone present whenever he evaluates, examines or treats female patients, and that he maintain and submit to the Board a patient log identifying female patients that he sees. Respondent was required to meet with a Board-approved physical therapist regarding patient boundary issues. The Consent Order also provided that a Board-approved physical therapist would review Respondent's patient charts, and that the reviewer would submit findings and recommendations in a report to the Board.

2. The Board approved Susan Willey, P.T. to review the patient charts and to meet with Respondent regarding patient boundary issues. Respondent provided Ms. Willey with patient charts that were partially de-identified to protect patient privacy.

3. Ms. Willey submitted evidence that Respondent has completed the discussion on patient boundary issues. The Presiding Officer finds the requirements for Respondent's encounters with female patients to be chaperoned and for maintaining a log of those encounters should be terminated.

4. Ms. Willey's report on her review of Respondent's documentation indicates the need for more complete review of five specific charts. The Presiding Officer finds that while no findings of violations are made at this time, those charts should be reviewed more thoroughly prior to concluding this matter.

IT IS, THEREFORE, ORDERED that the requirements imposed by the December 2004 Consent Order for Respondent's encounters with female patients to be chaperoned and for maintaining a log of those encounters are terminated.

IT IS FURTHER ORDERED that Respondent shall, within 10 days following the effective date of this order, sufficiently identify for Petitioner's counsel the patients whose charts are in question so that a complete copy of the original, without redaction, can be obtained through a Board subpoena. Upon receipt, the charts shall be provided to the Physical Therapist members of the Physical Therapy Advisory Counsel for review. Petitioner's counsel shall obtain a report of the review within a reasonable time but within 30 days after receiving the records, and shall forward that review to Respondent

and his counsel. The Presiding Officer may grant additional time to complete the review. Either party may request a conference with the Presiding Officer to complete these proceedings.

IT IS FURTHER ORDERED that Respondent may nominate in writing to the Presiding Officer a neutral Physical Therapist who will also review the charts at Respondent's expense. That person will be approved to participate in the review without further order unless there is a written objection to that person filed within five days following the nomination.

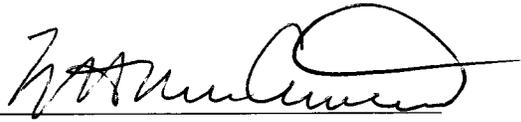
IT IS FURTHER ORDERED that the patient records to be reviewed are confidential and shall be subject to a protective order. Neither party shall disclose the records to another person except upon order of the Board. This protective order shall not prevent a party from disclosing patient records to a person participating in the review of the records as provided in this order, or from disclosing the records to a consultant who agrees not to re-disclose the records, or from using the records in any further proceeding in this case.

PLEASE TAKE NOTICE that this is a final order. A final order is effective upon service. 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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

Dated this 9th day of June, 2006.

Kansas State Board of Healing Arts

A handwritten signature in black ink, appearing to read "Mark A. McCune", written over a horizontal line.

Mark A. McCune, M.D.
Presiding Officer

Certificate of Service

I certify that a true copy of the foregoing Final Order was served this 12th day of June, 2006, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

N. Larry Bork
Goodell, Stratton, Edmonds and Palmer
515 S. Kansas Avenue
Topeka, KS 66603

And a copy was hand-delivered to the office of

Diane L. Bellquist
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

A handwritten signature in cursive script, reading "Cheryl Snyder", is written over a horizontal line.