

**EFFECTIVE AS A
FINAL ORDER**

DATE: 5/21/14

**BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS**

FILED

APR 30 2014

CAB

KS State Board of Healing Arts

In the Matter of)
WENDY D. BACH, A.T.)
)
Kansas License No. 24-00788)
)
_____)

KSBHA Docket No. 14-HA 00136

SUMMARY ORDER

NOW ON THIS 30th day of April, 2014, this matter comes before Kathleen Selzler Lippert, 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. Wendy D. Bach, A.T. ("Licensee") was originally issued license number 24-00788 to practice as an Athletic Trainer in the State of Kansas on October 18, 2011. Licensee's license is currently active.

2. Licensee's last known mailing address as provided to the Board is: **Confidential**
Terrace, Topeka, Kansas 66618.

3. On or about January 02, 2014, the Board received an application from Licensee seeking reinstatement of her athletic trainer license. Licensee's license had been cancelled for "failure to renew" on January 1, 2013.

4. In her application for reinstatement, Licensee lists all professional activities since

the cancellation of her license. Licensee stated that she had been employed on an as needed basis as an Athletic Trainer for Orthokansas, P.A. in Lawrence, Kansas, from September 2011 to November 2013.

5. Licensee also disclosed that she attended KU Rugby club practices and covered KU Rugby club games during 2013.

6. Licensee stated that she estimated that she worked less than fifty (50) hours in an athletic training capacity during 2013.

7. Licensee stated that, while covering events in 2013, there were no emergencies or any incidents that could not be covered by her first responder certification, but she acknowledged that she was at the events “in title, as an athletic trainer and provided prophylactic taping of hands, ankles and a few knees.”

8. Licensee also acknowledged performing “fewer than ten sideline evaluations of knee and shoulder injuries.”

9. Licensee’s license was reinstated on January 22, 2014. Licensee practiced in Kansas from January 1, 2013, through December 31, 2013, as an Athletic Trainer without being properly licensed.

Applicable Law

10. K.S.A. 65-6902(b) states: “‘Athletic training’ means the practice of injury prevention, physical evaluation, emergency care and referral or physical reconditioning relating to athletic activity.”

11. K.S.A. 65-6903(a) states: “It shall be unlawful for any person who is not licensed under this act as an athletic trainer or whose license has been suspended or revoked to use, in connection with such person’s name or place of business, the words: ‘Athletic trainer’ or ‘athletic trainer licensed’ or ‘licensed athletic trainer’ or ‘certified athletic trainer’ or the letters ‘A.T.’ or ‘A.T.L.’ or ‘L.A.T.’ or ‘ATC,’ or any other words, letters, abbreviations, or insignia indicating or implying that such person is an

athletic trainer, or who in any way orally, or in writing, in print or by sign, directly or by implication represents oneself as an athletic trainer.”

12. K.S.A 65-6909(c) states: “At least 60 days before the expiration of the license of an athletic trainer, the board shall notify the licensee of the expiration by mail, addressed to the licensee’s last mailing address, as noted upon the board’s records. If the licensee fails to pay the renewal fee and submit an application at least 30 days prior to the date of expiration of the license, the licensee shall be given a second notice that the licensee’s license will expire and the license may be renewed only if an additional renewal fee is received by the board within the 30-day period following the date of expiration and that if both fees are not received by the date of expiration the license shall be canceled for failure to renew and shall be reissued only after the athletic trainer has been reinstated under subsection (d).
13. K.S.A. 65-6911(a)(5) allows the Board to deny, suspend, limit, refuse to renew, place on probation, reprimand, or revoke any license granted under the athletic trainers licensure act or take other disciplinary action as the Board may deem appropriate if it finds that the licensee has committed misconduct in the performance of the functions or duties of an athletic trainer.
14. K.S.A. 65-6911(a)(8) allows the Board to deny, suspend, limit, refuse to renew, place on probation, reprimand, or revoke any license granted under the athletic trainers licensure act or take other disciplinary action as the Board may deem appropriate if it finds that the licensee has committed a negligent or intentional violation of the provisions of this act or the rules and regulations adopted under this act.

Conclusions of Law

15. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
16. The Board finds that Licensee practiced as an Athletic Trainer without being licensed from January 1, 2013, through December 31, 2013.
17. The Board finds that Licensee has represented herself as an Athletic Trainer without being licensed from January 1, 2013, through December 31, 2013.
18. The Board finds that by practicing as an Athletic Trainer without being

properly licensed, Licensee committed a negligent or intentional violation of the provisions of the Athletic Trainers Licensure Act pursuant to K.S.A. 65-6911(a)(8).

19. Additionally, the Board finds that by practicing as an Athletic Trainer without being properly licensed, Licensee committed misconduct in violation of the provisions of the Athletic Trainers Licensure Act pursuant to K.S.A. 65-6911(a)(5).

20. That by continuing to engage in the practice of an athletic trainer as well as representing herself as an Athletic Trainer from January 1, 2013, through December 31, 2013, without being properly licensed, Licensee was in violation of K.S.A. 65-6903(a).

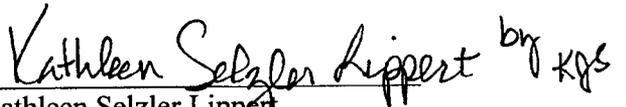
13. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Wendy D. Bach, A.T.

IT IS, THEREFORE, ORDERED that Licensee is hereby **PUBLICLY CENSURED** for practicing as an Athletic Trainer and representing herself as an Athletic Trainer between January 1, 2013, and December 31, 2013, without being properly licensed.

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 30th day of April, 2014.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Executive Director

FINAL ORDER NOTICE OF RIGHTS

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 Kathleen Selzler Lippert, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 21st day of May, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Wendy D. Bach, AT
Confidential
Topeka, KS 66618

And a copy was hand-delivered to:

Jessica A. Bryson, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Cathy Brown, Executive Assistant