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K.S. State Board of Healing Arts

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

In the Matter of	)	
	)	Docket No. 11-HA 00081
Todd J. Bohnen, O.T.A.	)	
Kansas License No. 18-00391	)	

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**CONSENT ORDER**

**COMES NOW**, the Kansas State Board of Healing Arts, (“Board”), by and through Stacy R. Bond, Associate Litigation Counsel (“Petitioner”), and Todd J. Bohnen, O.T.A. (“Licensee”), *pro se*, and move the Board for approval of a Consent Order affecting Licensee’s license to practice as a occupational therapy assistant in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee’s last known mailing address to the Board is: 4060 Farmstead, Wichita, Kansas 67220.
2. Licensee is or has been entitled to practice as an occupational therapy assistant in the State of Kansas, having been issued License No. 18-00391 on approximately November 6, 1998. Licensee’s license is active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of an occupational therapy assistant. K.S.A. 65-5401 et seq. and K.S.A. 65-5402.
4. 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 and 65-2838. Upon approval, these stipulations shall

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Consent Order  
Todd J. Bohnen, O.T.A.

constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Occupational Therapy Practice Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee voluntarily and knowingly waives his 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.
7. 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.
8. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. K.A.R. 100-54-5(c), to take action with respect to Licensee's license under the Occupational Therapy Practice Act, K.S.A. 65-5401, *et seq.*
9. Licensee was arrested for felony DUI on September 10, 2006.

10. Licensee did not disclose his 2006 arrest for DUI until his 2010-2011 renewal application. Licensee was originally found guilty of the felony DUI in 2008, he appealed the conviction and the conviction was upheld by the Court of Appeals in 2010.
11. 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 Occupational Therapy Practice Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.
12. A protective order is hereby entered to protect all confidential information under 42 CFR Part II and K.S.A. 65-2836(i).
13. Licensee's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-5410.
14. Licensee violated K.S.A. 65-5410(a) by failing to properly disclose his 2006 arrest for felony DUI.
15. Pursuant to K.S.A. 65-5410, the Board may deny, refuse to renew, suspend, revoke or limit or publicly or privately censure Licensee's license and pursuant to K.S.A. 65-5410(c) the Board has the authority to impose administrative fines for violations of the Occupational Therapy Practice Act.
16. According to K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

17. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board member(s) who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 25 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
18. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following non-disciplinary action on his license to engage in the practice of occupational therapy assistant:

**FINES / COSTS**

- a. Licensee is hereby fined \$250. Such fine is payable in full to the "Kansas Board of Healing Arts" on or before September 1, 2011. Licensee may make monthly payments of \$50 for five (5) months. The initial payment is due on or before the 15th day of May, 2011, with the remainder of the monthly payments due on or before the first day of each month thereafter. In the event that the Board does not receive a payment due and owing, the fine shall become immediately due and payable in full upon written notice by the Board to Licensee stating that payment has not been received.
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 an occupational therapy assistant in the State of 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 his 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 Occupational Therapy Practice Act, K.S.A. 65-5401 *et seq.*

20. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Occupational Therapy Practice Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 *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 Occupational 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 alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, 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 reporting 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 that he has read this Consent Order and fully understands the contents.

27. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
28. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.
29. Licensee shall obey all federal, state and local laws and rules governing the practice of as occupational therapy assistant in the State of 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.
30. 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. 65-2838. 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.
31. This Consent Order constitutes non-disciplinary action.
32. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

**IT IS THEREFORE ORDERED** that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

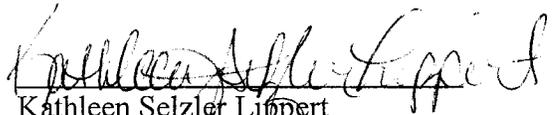
**IT IS FURTHER ORDERED** that:

**FINES / COSTS**

a. Licensee is hereby fined \$250. Such fine is payable in full to the "Kansas Board of Healing Arts" on or before September 1, 2011. Licensee may make monthly payments of \$50 for five (5) months. The initial payment is due on or before the 15th day of May, 2011, with the remainder of the monthly payments due on or before the first day of each month thereafter. In the event that the Board does not receive a payment due and owing, the fine shall become immediately due and payable in full upon written notice by the Board to Licensee stating that payment has not been received.

**IT IS SO ORDERED** on this 19 day of April, 2011.

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

  
Kathleen Selzler Lippert  
Executive Director

4-19-11  
Date

  
Todd J. Bohnen, O.T.A.  
Licensee

2/21/11  
Date

PREPARED AND APPROVED BY:



Stacy R. Bond #17673  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612  
785-296-3268

### 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, on this 20<sup>th</sup> day of April, 2011, to the following:

Todd J. Bohnen, O.T.A.  
Licensee  
4060 Farmstead  
Wichita, Kansas 67220

And the original was hand-filed with:

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

And a copy was hand-delivered to:

Stacy R. Bond  
Associate Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

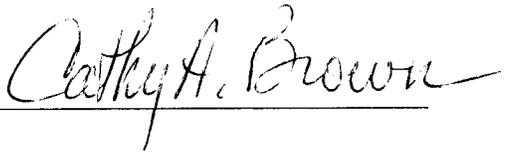
Melissa Massey  
Compliance Coordinator  
Kansas Board of Healing Arts

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800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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

  
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