

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of)
Sarah J. Bolen, O.T.A.)
Kansas License No. 18-00748)
Docket No. 12-HA 00061

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Jessica A. Bryson, Associate Litigation Counsel ("Petitioner"), and Sarah J. Bolen, O.T.A. ("Licensee"), pro se, and move the Board for approval of a Consent Order affecting Licensee's license to practice as an 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: 4405 Roanoke Pkwy, Kansas City, Missouri 64111.
2. Licensee is or has been entitled to engage in the practice of occupational therapy as an occupational therapy assistant in the State of Kansas, having been issued License No. 18-00748 on approximately November 16, 2010. Licensee's license is active.
3. Licensee was entitled to engage in the practice of occupational therapy as an occupational therapy assistant in the State of Kansas between November 10, 2009, and November 10, 2010, after having been issued temporary permit number T-02607.

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4. 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 occupational therapy. K.S.A. 65-5401 *et seq.* and K.S.A. 65-5403.
5. 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 65-5416. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.
6. 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.
7. 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.
8. 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

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- document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
9. The Board has received information and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-5410, to take action with respect to Licensee's license under the Kansas Occupational Therapy Practice Act K.S.A. 65-5401, *et seq.*
 10. Licensee was scheduled to work at MidAmerica Rehabilitation Hospital on Saturday, October 23, 2010.
 11. At that time, Licensee was working for Supplemental HealthCare and was working at MidAmerica Rehabilitation Hospital (MRH) on a temporary placement basis.
 12. At no time after 1300 was Licensee physically at MRH or performing her duties as an occupational therapist assistant at MRH.
 13. At 1310, Patient T.W. (Patient #1) went to the gym at MRH to receive treatment from Licensee.
 - a. Licensee was paged by another O.T.A. (initials A.K.) but A.K. did not receive a return call.
 - b. The patient was scheduled for occupational therapy at 1330. At 1335, Licensee was again paged by A.K.
 - c. Again, there was no response from Licensee.
 - d. Because there was no response from Licensee, A.K. treated the patient.

- e. Although Licensee did not treat the patient, the patient's medical record shows that Licensee treated the patient at 1330.
 - f. A.K. asked the patient whether he had received ROM therapy at 1300, and the patient responded by stating, "No, the only therapist I saw today was Holly for PT."
14. At 1500, Licensee documented that Patient C.F. (Patient #2) refused treatment at 1430 due to "stomach pain." However, Patient #2's medical record also shows that treatment was received at 1400.
 15. At 1500, Licensee documented that Patient A.B. (Patient #3) received two (2) units of therapeutic exercise and two (2) units of ADL training at 1100 and 1400. However, Patient #3's medical record shows that another therapist, J.F., provided treatment to Patient #3 from 1410 to 1438.
 16. Licensee stated that she finished treating patients two (2) hours earlier than expected, and she agrees that she did leave MRH early that day.
 17. Licensee also agrees that she falsely documented the patients' records at the time they were supposed to have been seen rather than at the time that she actually performed treatment.
 18. 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 Occupational 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.
19. Licensee's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-5410.
 20. Applicant violated K.S.A. 65-5410(a)(2), as set forth in K.A.R. 100-54-5(o) by committing conduct likely to deceive, defraud, or harm the public.
 21. Pursuant to K.S.A. 65-5410, the Board may revoke, suspend, limit, censure or place under probationary conditions 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 Kansas Occupational Therapy Practice Act.
 22. 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.
 23. All pending investigation materials in KSBHA Investigative Case Number 11-00231 regarding Licensee, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 26 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
 24. 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 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 Occupational Therapy Practice Act, K.S.A. 65-5401 *et seq.*

25. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Occupational 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 Occupational Therapy Practice Act.
26. 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 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.

27. 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.
28. 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.
29. 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.
30. 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.

31. Licensee acknowledges that she has read this Consent Order and fully understands the contents.
32. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
33. 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.
34. Licensee shall obey all federal, state and local laws and rules governing the practice of occupational therapy 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.
35. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final Order under K.S.A. 77-526. 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.
36. This Consent Order constitutes disciplinary action.
37. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.
38. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action on

her license to engage in the practice of occupational therapy as an occupational therapy assistant:

EDUCATION

39. Licensee shall attend and successfully complete a continuing education course for ethics, by April 6, 2012, at her own expense. The course must be pre-approved by Disciplinary Panel #26 or its designee. Licensee shall provide proof of successful completion by May 7, 2012.
40. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.
41. These hours shall be in addition to those hours required for renewal of licensure.
42. Licensee shall also attend and successfully complete a continuing education course for record-keeping, by April 6, 2012, at her own expense. The course must be pre-approved by the Board or its designee. Licensee shall provide proof of successful completion by May 7, 2012.
43. Unless otherwise approved by the Board, said continuing education course(s) shall consist of a formal live lecture format.
44. These hours shall be in addition to those hours required for renewal of licensure.

FINES

45. Licensee is hereby ordered to pay a CIVIL FINE pursuant to K.S.A. 65-5410(c) in the amount of \$ 100.00. The total amount of \$ 100.00 shall be due on or before March 23, 2012.

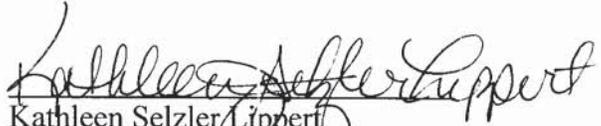
46. In the event that the Board does not receive a payment due and owing, the total amount of the levied FINE still due shall become immediately due and payable in full upon written notice by the Board to Licensee stating that payment has not been received.

47. Licensee shall make all payments payable to the Kansas State Board of Healing Arts and send all payments to the attention of: Compliance Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

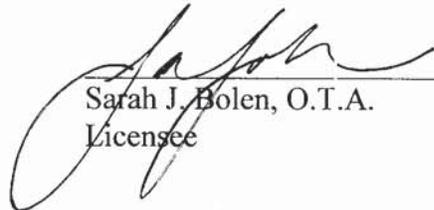
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 09 day of December, 2011.

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


Kathleen Selzler Lippert
Executive Director

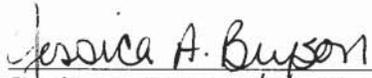
3/5/12
Date


Sarah J. Bolen, O.T.A.
Licensee

12/09/2011
Date

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PREPARED AND APPROVED BY:



Jessica A. Bryson, #22669
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson Ave Lower Level Ste A
Topeka, Kansas 66612
785-296-8022

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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 5th day of March, 2012, to the following:

Sarah J. Bolen, O.T.A.
Licensee
4405 Roanoke Pkwy
Kansas City, Missouri 64111

And the original was hand-filed with:

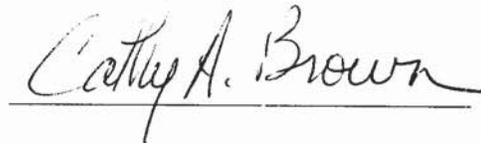
Kathleen Selzler Lippert
Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

And a copy was hand-delivered to:

Jessica A. Bryson
Associate Litigation Counsel
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800 SW Jackson, Lower Level-Suite A
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Melissa Massey
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