

4. As part of the renewal process, Licensee certified that he had read the rules regarding the continuing education requirements and the Board's procedures for auditing continuing education compliance. Licensee further certified that he had completed at least forty (40) contact hours of continuing education during the preceding 24-month period and that documentation of the completed continuing education would be maintained for a three-year period and produced to the Board upon request.

5. Licensee was randomly selected to provide verification of compliance with the continuing education requirements.

6. On or about June 3, 2013, a letter was mailed to Licensee requesting that Licensee provide, no later than July 3, 2013, the records relied upon when Licensee certified completion of the required continuing education.

7. On or about July 1, 2013, an email was sent to Licensee reminding him of the upcoming deadline of July 3, 2013, for submitting the continuing education.

8. On or about July 10, 2013, a certified letter was mailed to Licensee requesting that Licensee provide, no later than August 1, 2013, the records relied upon when Licensee certified completion of the required continuing education.

9. On or about July 11, 2013, Licensee signed for receipt of the certified letter.

10. On or about July 31, 2013, an email was sent to Licensee reminding him of the upcoming final deadline of August 1, 2013 for submitting the continuing education.

11. Licensee failed to comply with the Board's request to provide documented evidence of compliance with the continuing education requirements by the deadline.

12. By failing to provide documented evidence of completion of the continuing education requirements, Licensee violated K.S.A. 65-5410(a)(4) by violating any lawful order or rule and regulation of the Board. Specifically, Licensee violated K.A.R. 100-54-5(g) by failing to

furnish to the Board, or to its investigators or representatives, any information legally requested by the Board.

13. Licensee violated K.S.A. 65-5410(a)(2) by committing an act of unprofessional conduct as defined by K.A.R. 100-54-5(g); specifically, failing to furnish to the Board, or to its investigators or representatives, any information legally requested by the Board.

14. In addition to any other penalty prescribed under the Occupational Therapy Practice Act, K.S.A. 65-5410(c) authorizes the Board to assess a civil fine in an amount not exceeding \$5,000 for the first violation of the Occupational Therapy Practice Act.

IT IS, HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:

15. Licensee is hereby assessed a CIVIL FINE for failure to comply with the Board's legal request for information.

16. Licensee is hereby ordered to pay the assessed 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 October 15, 2013.


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

18. Licensee shall have completed 40 hours of continuing education and submit proof of completion to the Board within 30 days following service of this Summary Order.

19. Licensee's license shall be suspended for failure to provide proof of the continuing education requirements and/or payment of the fine within the timeframe specified above.

20. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 10th DAY OF Sept., 2013, IN
THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

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 1st day of Oct., 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

John W. Cole OTA
Confidential
Topeka, KS 66611

And a copy was hand-delivered to:

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