

**EFFECTIVE AS A  
FINAL ORDER**

DATE: 12/18/13

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

**FILED** *CS*  
NOV 27 2013  
KS State Board of Healing Arts

In the Matter of )  
JOHN W. COLE, O.T.A. )  
 )  
Kansas License No. 18-00563 )  
\_\_\_\_\_ )

Docket No. 14-HA 00067

**SUMMARY ORDER**

NOW ON THIS 26 day of Nov, 2013, 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.

Pursuant to K.S.A. 77-537, this Summary Order shall become effective as a Final Order, without further notice, if no request for hearing is made within fifteen (15) days of service.

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. John W. Cole, O.T.A. ("Licensee") was originally issued license number 18-00563 to practice as an occupational therapist assistant in the State of Kansas on or about April 15, 2002. Licensee's current license designation is active, and such license was last renewed on or about April 2, 2013.

2. Licensee's last known mailing address as provided to the Board is **Confidential**  
**Confidential** Topeka, Kansas 66611.

3. This Summary Order incorporates herein by reference the facts as stated in the Summary Order that was filed September 10, 2013, in KSBHA Docket No. 14-HA00032.

4. The September 10, 2013, Summary Order ordered Licensee to pay the assessed civil fine, pursuant to K.S.A. 65-5410(c) in the amount of \$100.00 for violation of the Kansas Occupational Therapy Practice Act.

5. Furthermore, the September 10, 2013, Summary Order ordered Licensee to complete forty (40) contact hours of continuing education, and submit proof of completion of the continuing education requirement within thirty (30) days following service of the September 10, 2013, Summary Order.

6. Licensee has not submitted to the Board full payment of his civil fine pursuant to the September 10, 2013, Summary Order; and this fine remains due, owing, and unpaid.

7. Additionally, Licensee has not provided to the Board proof of successful completion of the forty (40) contact hours of continuing education that was ordered pursuant to the September 10, 2013, Summary Order.

#### **Applicable Law**

8. K.S.A. 65-5410(a) states in pertinent part:

The board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:...(2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board...(4) violating any lawful order ... of the board....

9. K.A.R. 100-54-5 states in pertinent part:

“Unprofessional conduct” means any of the following...(g) failing to furnish to the board, ... or its representatives any information legally requested by the board.

### Conclusions of Law

10. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

11. The Board find that Licensee violated K.S.A. 65-5410(a)(4) in that Licensee violated a lawful order of the Board previously ordered by the Board in KSBHA Docket No. 14-HA00032 by failing to remit payment of the \$100.00 fine and failing to complete forty (40) contact hours of continuing education.

12. The Board additionally finds that Licensee violated K.S.A. 65-5410(a)(2) by being guilty of unprofessional conduct as further defined by K.A.R. 100-54-5(g) by failing to furnish a Board representative the legally requested information, being proof of completion of forty (40) hours of continuing education to the Board.


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, John W. Cole, O.T.A.

**IT IS, THEREFORE, ORDERED** that Licensee is hereby **INDEFINITELY SUSPENDED** for Licensee's violations of the Occupational Therapy Practice Act. Licensee shall be Indefinitely Suspended until such time as he provides to the Board proof of successful completion of forty (40) contact hours of continuing education and until such time as he submits to the Board full payment of his civil fine of &100.00, as by the September 10, 2013, Summary Order in KSBHA Docket No. 14-HA00032.

**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 26<sup>th</sup> day of Nov, 2013.

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 18 day of Dec, 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

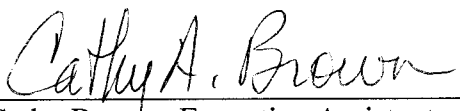
John W. Cole, OTA  
**Confidential**  
Topeka, KS 66611

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.

  
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Cathy Brown, Executive Assistant