

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
)
Jenni A. Denton, O.T.A.)
Kansas License No. 18-00577)

Docket No.: 10-HA 00033

EMERGENCY EX PARTE ORDER OF SUSPENSION
AND PROTECTIVE ORDER

NOW on this 22nd day of September 2009, this matter comes before the Presiding Officer upon a Motion for *Ex Parte* Emergency Order of Suspension. Lori D. Dougherty, Associate Litigation Counsel, filed a Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings. There are no other appearances.

The Presiding Officer has reviewed the agency file in Kansas State Board of Healing Arts (KSBHA) Docket No. 10-HA 00033. The Presiding Officer finds, concludes and orders as follows:

1. This is a motion for an order pursuant to K.S.A. 65-5410 and 77-536. Under those statutes, the Presiding Officer may issue an order without notice and hearing, and may temporarily limit or suspend a license if the Presiding Officer finds an imminent danger to the public health, safety, or welfare.
2. The Presiding Officer has received and reviewed a Motion for an *Ex Parte* Order suspending Licensee license filed with KBHA on September 22, 2009. The motion requests an emergency suspension of Licensee's license.
3. The motion for an emergency order in the above captioned case alleges that Licensee has violated K.S.A. 65-5410, specifically:

- a. K.S.A. 65-5410(a)(4), unprofessional conduct in that Licensee has violated any lawful order or directive of the Board previously entered by the Board, to wit:
Consent Order filed on February 27, 2009, (confidential)
 - b. K.S.A. 65-5410 (a)(2), as set forth in K.A.R. 100-54-5(c), in that Licensee is unable to practice occupational therapy without reasonable skill and safety (confidential)
4. The motion for an emergency order in the above captioned case includes Exhibits one (1) through two (2).

FINDINGS OF FACT

5. Licensee's last known mailing address to the Board is: 311 North Keeler Street, Olathe, Kansas 66061.
6. Licensee is or has been entitled to engage in the practice of an occupational therapy assistant in the State of Kansas, having been issued License No. 18-00577 on approximately October 25, 2002. Licensee last renewed on or about March 5, 2009. Licensee's license is active.
7. At all times relevant to the allegations set forth in the Petition, Licensee has held a current and active license to engage in the practice of an occupational therapy assistant in the State of Kansas.
8. Licensee presently has an active and unrestricted license to practice as an occupational therapy assistant in the State of Kansas.
9. The Presiding Officer finds there are grounds to reasonably believe that:

a. (confidential)

b. (confidential)

c. The terms and conditions of Consent Order I, were to help ensure and provide
for public safety^(confidential)

d. (confidential)

e. (confidential)

f. (confidential)

g. (confidential)

h. The terms and conditions of Consent Order II were to help ensure and provide for public safety (confidential)

i. (confidential)

j. (confidential)

CONCLUSIONS OF LAW

10. Pursuant to K.S.A. 65-5410, the Board has the authority to temporarily suspend Licensee's license to address an imminent threat to the health, safety or welfare of the public.
11. Pursuant to K.S.A. 65-5410, the Board has grounds to revoke, suspend, censure, fine or otherwise limit Licensee's license for violation of the Kansas Occupational Therapy Practice Act .
12. Pursuant to K.S.A. 77-536, the Board may use emergency proceeding to protect the public from an immediate danger to the public health, safety or welfare.

13. The Presiding Officer finds there are grounds to reasonably believe that Licensee has violated that Licensee has violated K.S.A. 65-5410, specifically:

a. K.S.A. 65-5410(a)(4), unprofessional conduct in that Licensee has violated any lawful order or directive of the Board previously entered by the Board, to wit: Consent Order II,(confidential)

b. K.S.A. 65-5410 (a)(2), as set forth in K.A.R. 100-54-5(c), in that Licensee is unable to practice occupational therapy without reasonable skill and safety (confidential)

(confidential)

14. (confidential)

15. The Presiding Officer finds that Licensee's continuation in practice would constitute an immediate danger to the public health, safety or welfare.

16. The Presiding Officer further concludes that Licensee's license to practice of as an occupational therapy assistant should be immediately suspended until such time as an evidentiary hearing can be scheduled.

IT IS THEREFORE, ORDERED that the license of Jenni A. Denton, O.T.A. is hereby immediately suspended.

IT IS FURTHER ORDERED that a Protective Order is hereby entered. Records that identify a patient shall not be disclosed to any third person except as authorized by this order or by further order of the Presiding Officer or the Board. This protective order shall not prohibit a

party from disclosing such information to a person who has been engaged as an expert witness, or from otherwise using this information in this case and in any subsequent appeals.

IT IS FURTHER ORDERED that board counsel shall serve this order in the manner provided by law, and shall complete and file a proof of service.

PLEASE TAKE NOTICE that a hearing on this matter will be scheduled as soon as practicable at the Board office, 235 S.W. Topeka Blvd., Topeka, Kansas. The issue to be determined is whether the emergency order of suspension should remain in place, be modified or terminated. A Notice of Hearing will be issued.

PLEASE TAKE NOTICE that this is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition for judicial review is not timely unless filed within 30 days following service of the order. A copy of any petition for judicial review must be served upon Board's Executive Director at 235 S.W. Topeka Blvd., Topeka, Kansas 66603.

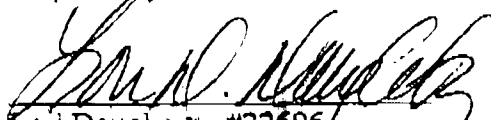
Dated this 22nd day of September, 2009.

Kansas State Board of Healing Arts



Presiding Officer

Prepared by:


Lori Dougherty, #22696
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
(785) 296-7413 Phone
(785) 368-7103 Fax

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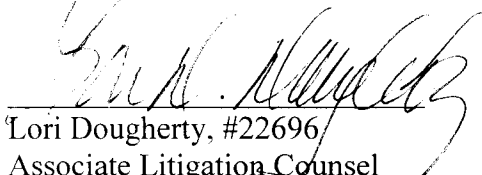
Dated this 22nd day of September, 2009.

Kansas State Board of Healing Arts

Presiding Officer

Mr. Myron Leinwetter, D.O.

Prepared by:



Lori Dougherty, #22696
Associate Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068
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CERTIFICATE OF SERVICE

I, Cathy A. Brown hereby certify that I served a true and correct copy of the *Ex Parte* Emergency Order of Suspension by United States mail, postage prepaid, on this 23rd day of September, 2009, to the following:

Jenni A. Denton, O.T.A.
Licensee
311 North Keeler Street
Olathe, Kansas 66061

And a copy was hand-delivered to:

Lori D. Dougherty
Kansas Board of Healing Arts
235 S. Topeka Blvd
Topeka, KS 66603

And the original was hand-filed with:

Jack Confer
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Cathy A. Brown