

FILED *BV*

AUG 24 2018

KS State Board of Healing Arts

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

In the Matter of)
)
JENNI A. DENTON, O.T.A.)
Application for Reinstatement of)
License to Practice as Occupational)
Therapy Assistant)
License No. 18-00577)

19
Docket No. ~~18~~-HA 00010

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Courtney E. Manly, Associate Litigation Counsel ("Respondent"), and Jenni A. Denton, O.T.A. ("Applicant"), and move the Board for approval of a Consent Order affecting Applicant's license to practice as an occupational therapy assistant in Kansas. The Parties stipulate and agree to the following:

1. Applicant's last known mailing address to the Board is: [REDACTED] Kansas City, Missouri 64114.
2. Applicant was previously entitled to engage in the practice of an occupational therapy assistant in Kansas, having been issued License No. 18-00577 on or about October 25, 2002. On or about November 16, 2009, Applicant entered into a Consent Order for Surrender of License, KSBHA Docket No. 10-HA00033, which was treated as revocation. Applicant's current license status is Revoked.
3. On or about November 15, 2017, Applicant submitted to the Board an application to reinstate her license to practice as an occupational therapy assistant in Kansas. Such application was deemed complete and filed with the Board on or about June 26, 2018.

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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 an occupational therapy assistant. K.S.A. 65-5401 *et seq.*, and K.S.A. 65-5410.

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 K.S.A. 65-5410. 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. Applicant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. Applicant voluntarily and knowingly waives her right to a hearing. Applicant 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. Applicant 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 document. Applicant 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 there may be grounds under K.S.A. 65-5410(a), K.S.A. 65-5410(a)(2), K.S.A. 65-5410(a)(3), and K.A.R. 100-54-5(o), to take action with respect to Applicant's application under the Kansas Occupational Therapy Practice Act.

10. The facts supporting the allegations in this Consent Order are as follows:

11. Applicant had been in two (2) previous Consent Orders under Board Docket No. 06-HA00072 ("Consent Order I" and "Consent Order II").

12. Consent Order I was the result of a third DUI conviction, a felony, in November 2004. Consent Order I required Applicant to enter into and comply with [REDACTED] monitoring for three (3) years.

13. Consent Order II was entered into in February 2009, and was the result of violating Consent Order I. Consent order II required Applicant to enter into and comply with [REDACTED] monitoring for five (5) years.

14. In August 2009, Applicant [REDACTED] which led to the Consent Order for Surrender of her license to practice as an occupational therapy assistant in Kansas on November 16, 2009, in KSBHA Docket No. 10-HA00033. The surrender of Applicant's license was treated as revocation.

15. Under paragraph 33(a) of the Consent Order for Surrender of License:

...an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-5412. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.

16. In 2010, Applicant applied for reinstatement of her Kansas license, but later withdrew her application.

17. On or about May 27, 2011, Applicant was convicted of her fourth DUI, a felony.

18. Additionally, in December 2012, Applicant pleaded guilty to Disorderly Conduct, a Class C misdemeanor.

19. In 2014, Applicant again applied for reinstatement of her Kansas license. Applicant's application for reinstatement expired in July 2016.

20. On or about February 7, 2017, Applicant was issued a Missouri license to practice as an occupational therapy assistant.

21. According to her application, Applicant is currently working in Missouri as an occupational therapy assistant at Reliant Rehab/Century Rehab full-time, and as needed at Select Rehab and Aptiva Home Health.

22. Applicant indicated she has attended one (1) continuing education course since she began practicing again in 2017. Applicant provided documentation, showing the course earned her five (5) class hours, and one (1) contact hour.

23. Applicant stated she has been [REDACTED] for five (5) years, and has been able to grow and slowly regain success with work, family, and friendship.

24. Her father also provided a letter of support, and confirmed [REDACTED]

25. Based on her significant history with [REDACTED] applicant was referred to

[REDACTED]

[REDACTED]

[REDACTED]

a. [REDACTED]

[REDACTED]

b. [REDACTED]
[REDACTED]

c. [REDACTED]
and

d. [REDACTED]
[REDACTED]
[REDACTED]

26. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

27. [REDACTED]
[REDACTED]
[REDACTED]

- a. [REDACTED]
- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
[REDACTED]
- e. [REDACTED]

28. Applicant acknowledges that if formal hearing proceedings were conducted and Applicant presented no exhibits, witnesses, or other evidence, the Board has sufficient evidence to prove that Applicant has violated the Kansas Occupational Therapy Practice

Act with respect to the above allegations. Applicant further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

29. Applicant's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-5410(a).

30. Applicant violated K.S.A. 65-5410(a)(2), in that Applicant committed acts of unprofessional conduct.

31. Applicant violated K.S.A. 65-5410(a)(2), as further defined by K.A.R. 100-54-5(o), in that Applicant committed conduct likely to deceive, defraud, or harm the public.

32. Applicant violated K.S.A. 65-5410(a)(3), in that Applicant was convicted of a felony for acts which can be found by the board to have a direct bearing on whether such person should be entrusted to serve the public in the capacity of an occupational therapy assistant.

33. Under K.S.A. 65-5410, the Board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the 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.

34. According to K.S.A. 65-5410 and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

35. All pending investigation materials in KSBHA Investigation No. 18-00346 regarding Applicant, were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 29 authorized and directed

Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

36. Applicant further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Applicant 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 Applicant's license to practice as an occupational therapy assistant in Kansas. Applicant hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Applicant 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, Applicant 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.*

37. 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.

38. Applicant 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 Applicant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Applicant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

39. Applicant further understands and agrees that upon signature by Applicant, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.

40. 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.

41. Applicant 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 Applicant is not present. Applicant 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.

42. Applicant, 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.

43. Applicant acknowledges she has read this Consent Order and fully understands the contents.

44. Applicant acknowledges this Consent Order has been entered into freely and voluntarily.

45. Applicant shall obey all federal, state and local laws and rules governing the practice of an occupational therapy assistant in 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 Consent Order.

46. 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.

47. This Consent Order constitutes **non-disciplinary action**.

48. The Board may consider all aspects of this Consent Order in any future matter regarding Applicant.

49. In lieu of conducting a formal proceeding, Applicant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following action on her license to engage in the practice of an occupational therapy assistant:

REINSTATEMENT OF KANSAS LICENSE

50. Upon approval of this Consent Order by the full Board, at the August 10, 2018, Board Meeting, Applicant's license to practice as an occupational therapy assistant in Kansas is hereby reinstated to Active.

CONTINUING EDUCATION

51. Applicant shall attend and successfully complete twenty (20) hours of continuing education within one (1) year of approval of this Consent Order, therefore no later than August 10, 2019.

52. Applicant shall provide proof of successful completion of every continuing education course within thirty (30) days of successfully completing the course.

53. All costs associated with the continuing education requirement of this Consent Order shall be at Applicant's own expense to include, but not be limited to, the cost of the courses, any cost of travel to and from the courses, and the cost of accommodations while attending the courses.

54. These hours can be included for continuing education hours required for renewal of licensure, under K.A.R. 100-54-7.

55. All documentation required under this Consent Order shall be submitted to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
KSBHA_ComplianceCoordinator@ks.gov

MONITORING

56. Within ten (10) days of the execution of the Consent Order, Applicant shall enter into and comply with all terms and conditions of a monitoring contract [REDACTED] for a three (3) year term, and agrees to follow all recommendations.

57. Applicant further agrees to immediately notify the Board of any revisions to the contract, and to immediately provide a copy of such revised contract to the Board.

58. Applicant agrees [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

59. Applicant specifically agrees [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

60. [REDACTED]

61. [REDACTED]

62. Applicant must inform employers of participation [REDACTED] and have employers provide quarterly reports [REDACTED]

63. Applicant shall [REDACTED]
[REDACTED]

64. Applicant shall [REDACTED]
[REDACTED]

65. Applicant agrees to immediately notify a Board representative and [REDACTED]
[REDACTED]

66. Applicant will furnish a copy of this Consent Order to each and every state in which she holds licensure or applies for licensure.

67. All documentation required under this Consent Order shall be submitted to:

Kansas State Board of Healing Arts
Attn: Compliance Coordinator
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
KSBHA_ComplianceCoordinator@ks.gov

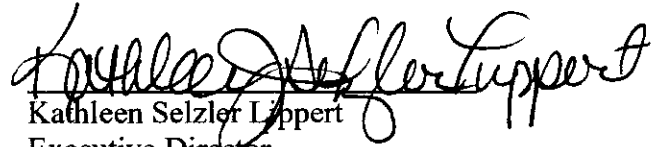
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68. This Consent Order is not self-terminating. Applicant must complete all continuing education, and recommendations and monitoring [REDACTED] before she can request termination of this Consent Order.

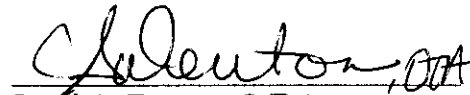
IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact, conclusions of law, and as a Final Order of the Board.

IT IS SO ORDERED on this 23 day of Aug., 2018.

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


Kathleen Selzler Lippert
Executive Director

8/23/18
Date


Jenni A. Denton, O.T.A.
Applicant

7/2/2018
Date

PREPARED AND APPROVED BY:


Courtney E. Manly, #27787
Associate Litigation Counsel
Kansas Board of Healing Arts
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Topeka, Kansas 66612
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Fax: 785-368-8210
courtney.manly@ks.gov

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 24th day of August, 2018, to the following:

Jenni A. Denton, O.T.A
Applicant
[REDACTED]
Kansas City, Missouri 64114

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:

Courtney E. Manly
Associate Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

A handwritten signature in black ink, appearing to be 'RJG', is written over a horizontal line.