

EFFECTIVE AS A FINAL ORDER

DATE: 3.11.20

FILED

FEB 21 2020 *AD*

KS State Board of Healing Arts

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

In the Matter of)
) KSBHA Docket No. 20-HA 00057
Kerry McIntosh Doan, O.T.)
Kansas License No. 17-00770)
_____)

SUMMARY ORDER

NOW ON THIS 21st day of February 20 20, this matter comes before Tucker Poling, Interim Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A 77-537. Pursuant to K.S.A 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a 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. Kerry McIntosh Doan, O.T. ("Licensee") was originally issued license number 17-00770 to practice occupational therapy in the State of Kansas on or about February 13, 1993. Licensee's current license designation is Active, and such license was last renewed on or about April 1, 2019.
2. Licensee's last known mailing address as provided to the Board is: 4312 Oxford Rd., Prairie Village, Kansas, 66208.
3. On or about April 2, 2019, in a letter to the Licensing Department accompanying her renewal in which she represented she had only completed two continuing education hours from

the period of April 1, 2017 through March 31, 2019 (without providing proof), Licensee requested an extension of the time to complete her continuing education requirements to September 2019.

4. On or about April 30, 2019, the Board granted Licensee's request, allowing her to provide proof of the required continuing education no later than October 30, 2019.

5. Licensee did not provide proof of the required continuing education by October 30, 2019.

6. On or about December 5, 2019, the Board again requested via letter and email that Licensee provide proof of the required continuing education, giving a final deadline of December 18, 2019.

7. Licensee did not respond to the Board's December 5, 2019 communication, did not provide proof of the required continuing education by December 18, 2019, and has not provided such proof to date.

Applicable Law

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

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 or rule and regulation of the board

9. K.S.A. 65-5410(c) states "The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed \$5,000 for the first violation"

10. K.A.R. 100-54-5(g) defines "unprofessional conduct" in pertinent part as "failing to furnish the board, its investigators, or its representatives any information legally requested by the board."

11. K.A.R. 100-54-7 states "each licensee shall submit evidence of completing at least 40 contact hours of continuing education during the preceding 24 months . . . submitted before or with the application for renewal in each odd-numbered year."

Conclusions of Law

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

13. The Board finds that Licensee violated K.S.A. 65-5410(a)(2), as further defined by K.A.R. 100-54-5(g), by committing an act of unprofessional conduct in failing to furnish to the Board information legally requested by the Board; specifically, failing to furnish evidence of completing at least 40 contact hours of continuing education from the period of April 1, 2017 through March 31, 2019.

14. The Board finds that Licensee violated K.S.A. 65-5410(a)(4) in that Licensee violated a lawful order or rule and regulation of the Board; specifically, Licensee violated K.A.R. 100-54-7 by failing to submit evidence of completing at least 40 contact hours of continuing education during the preceding 24 months.

15. 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 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.

IT IS THEREFORE ORDERED that Licensee is **INDEFINITELY SUSPENDED** from the practice of occupational therapy until such time as she provides to the Board proof of successful completion of the 40 continuing education hours as required pursuant to K.A.R. 100-54-7. Licensee shall submit proof of her completion of the required hours to the attention of:

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

IT IS FURTHER ORDERED that the licensee is hereby assessed a **CIVIL FINE** in the amount of **\$100.00** for violation of the Kansas Occupational Therapy Practice Act. Such fine shall be paid to the “Kansas State Board of Healing Arts”, in full, on or before May 31, 2020. All monetary payments, which shall be in the form of check or money order, relating to this Summary Order shall be mailed to the Board certified and addressed to:

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

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 21st day of February, 2020.

KANSAS STATE BOARD OF HEALING ARTS



Tucker Poling
Interim 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 Tucker L. Poling, Interim 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 11th day of March 2020 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Kerry McIntosh Doan, OT
CONFIDENTIAL

Licensee

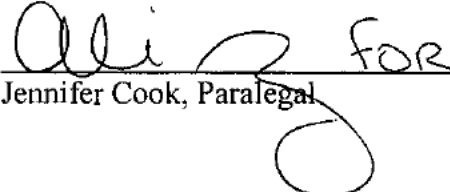
And a copy was hand-delivered to:

Matthew Gaus, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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.



Jennifer Cook, Paralegal