

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

KS State Board of Healing Arts

In the Matter of)	
LISA DRAKE PICKERING, OTA)	
)	KSBHA Docket No. 22-HA00012
)	
Application for Licensure)	

FINAL ORDER

On December 10, 2021, this matter came before the Kansas State Board of Healing Arts (“Board”) for a Conference Hearing on Lisa Drake Pickering’s (“Applicant”) application to practice as an occupational therapy assistant in Kansas. Applicant appeared in person *pro se*. The Board appeared through Matthew Gaus, Associate Litigation Counsel. Dr. Gould, Dr. Black, Dr. Durrett, and Steve Kelly, Ph.D. were recused.

Under the authority granted to the Board by the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.*, the Kansas Occupational Therapy Practice Act, K.S.A. 65-5401 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the arguments of the parties, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

PROCEDURAL HISTORY

On or about June 15, 2021, Applicant submitted an application to practice as an occupational therapy assistant in Kansas. In addition to full licensure, this application requested a temporary license. That application was deemed complete and filed with the Board on September 28, 2021. The Board submitted a Response to Applicant’s application on October 29, 2021.

A Notice of Hearing was filed and served on November 17, 2021, and November 29, 2021, setting a Conference Hearing regarding Applicant’s application. No objection to the Notice of Hearing was filed.¹

¹ In advance of the oral arguments, the Board was provided the entire agency record to facilitate a comprehensive understanding of the underlying matter, including all exhibits, briefs, and motions filed by the parties in advance of oral arguments. The entire agency record was considered by the Board in rendering its decision.

Final Order
In the Matter Lisa Drake Pickering, OTA;
KSBHA Docket No. 22-HA00012

FINDINGS OF FACT

1. On or about March 21, 2000, Applicant was arrested in Anderson County, Kansas.
2. She was charged with Possession of Methamphetamine; Possession of Drug Paraphernalia; Possession of Marijuana; Driving While License Canceled, Suspended, or Revoked; and No Proof of Liability Insurance.
3. On or about July 30, 2001, Applicant pled guilty to Possession of Methamphetamine, a level 4 non-person felony.
4. On September 17, 2001, she was sentenced to 12 months' probation, with a suspended sentence of 10 months, CONFIDENTIAL
5. CONFIDENTIAL
6. Applicant has not been arrested or charged with a criminal offense since that time (approximately 18 years).
7. She has worked as a certified nurse aid and executive assistant at CONFIDENTIAL since March 2013.
8. She completed an associates degree in applied science (occupational therapy assistant) at Neosho County Community College in June 2021.
9. On or about June 15, 2021, Applicant submitted an application to practice as an occupational therapy assistant in Kansas.
10. In addition to full licensure, this application also requested a temporary license.
11. On her application, Applicant properly answered "yes" to the appropriate attestation questions, an explanation, and provided supporting documentation.
12. At the time Applicant submitted her application, she indicated she had not yet taken her National Board for Certification in Occupational Therapy ("NBCOT") examination.
13. At the Conference Hearing, Applicant testified under oath she had taken and passed her NBCOT examination.

APPLICABLE LAW

Under K.S.A. 65-5410(a), 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:

- (3) being convicted of a felony if the acts for which the person was convicted are 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.

CONCLUSIONS OF LAW

This is a case in which an applicant for an occupational therapy assistant license was convicted of a non-person felony 20 years ago. However, denial of her license to practice as an occupational therapy assistant is not the legally or practically appropriate resolution under the facts of this case.

While the underlying facts of Applicant’s original misconduct are not insignificant or ignored, Applicant has been on a long road of recovery, has not made excuses for her actions, and has been transparent with the Board.

Applicant ultimately successfully CONFIDENTIAL ; has not had any additional criminal arrests or charges in nearly 18 years, has been employed since 2013 as a certified nurse aid and executive assistant, and successfully completed the OTA program at Neosho Community College. These facts are generally mitigating in nature and are evidence of rehabilitation in this case.

Therefore, the Board grants Applicant’s application for a temporary license; and grants a full license to practice as an occupational therapy assistant in Kansas upon confirmation Applicant successfully passed her NBCOT examination.

ORDER

IT IS THEREFORE ORDERED, Applicant’s application for a temporary license, and a full license to practice as an occupational therapy assistant in Kansas upon confirmation Applicant successfully passed her NBCOT examination, is **GRANTED**.

IT IS SO ORDERED.

KANSAS STATE BOARD OF HEALING ARTS

Susan Gile

Susan Gile, Interim Executive Director

Final Order
In the Matter Lisa Drake Pickering, OTA;
KSBHA Docket No. 22-HA00012

NOTICE OF APPEAL RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Under K.S.A. 77-529, parties may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 Susan Gile, Interim Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **FINAL ORDER** was served, by depositing the same in the United States mail, postage prepaid, and emailed on this 3rd day of January, 2022 addressed to:

Lisa Drake Pickering, OTA
CONFIDENTIAL

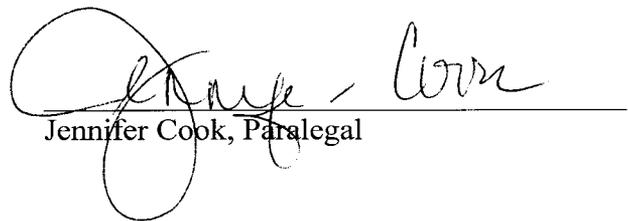
Applicant

And 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

and the original was filed with the office of the Executive Director.



Jennifer Cook, Paralegal

Final Order
In the Matter Lisa Drake Pickering, OTA;
KSBHA Docket No. 22-HA00012