

FILED

CAB

FEB 26 2010

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

KS State Board of Healing Arts

**In the Matter of**

**JEAN E. GAAR, O.T.A.**

**Kansas License No. 18-00140**

**Docket No. 10-HA00095**

**JOURNAL ENTRY OF SATISFACTION  
OF REQUIREMENTS OF FINAL ORDER**

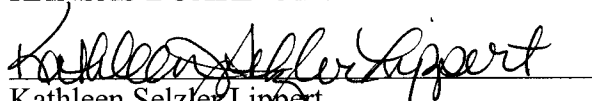
**NOW** on this 26 day of February, 2010, this matter comes before Kathleen Selzler Lippert, Acting Executive Director, Kansas Board of Healing Arts (“Board”), concerning Licensee’s satisfaction of all requirements contained in the Final Order which was filed on February 23, 2010. Wherefore, the Board finds as follows:

1. On or about February 23, 2010, the Board issued a Final Order addressing concerns about Licensee’s engaging in unprofessional conduct. The Final Order contained a provision for Licensee to pay a civil fine in the amount of \$150 due and payable within thirty days of the effective date of the Summary Order, which was February 9, 2010.
2. Licensee paid the \$150 fine on February 1, 2010.
3. Licensee has satisfied all requirements of the Final Order and has no further obligation for compliance.

**IT IS THEREFORE ORDERED** that Licensee is hereby discharged from the requirements of the Final Order filed on February 23, 2010.

**IT IS SO ORDERED.**

**KANSAS BOARD OF HEALING ARTS**



Kathleen Selzler Lippert  
Acting Executive Director

Feb. 26, 2010  
Date

**CERTIFICATE OF SERVICE**

I, hereby certify that a true and correct copy of the foregoing **Journal Entry of Satisfaction** was served on the 26<sup>th</sup> day of February, 2010 by United States mail, first-class postage pre-paid and addressed to:

Jean A. Gaar, O.T.A.  
(confidential)  
Leawood, Kansas 66206

and a copy was hand-delivered to:

Stacy R. Bond  
Associate Litigation Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

Melissa Massey  
Compliance Coordinator  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3065

and the original was hand-delivered for filing with the office of the Acting Executive Director:

Kathleen Selzler Lippert  
Kansas State Board of Healing Arts  
235 S. Topeka Boulevard  
Topeka, Kansas 66603-3068

Cathy A. Brown  
Cathy Brown  
Executive Assistant

**FILED** 

FEB 23 2010

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

KS State Board of Healing Arts

**In the Matter of** )  
**JEAN E. GAAR, O.T.A.** )  
 )  
**Kansas License No. 18-00140** )  
\_\_\_\_\_ )

**Docket No. 10-HA00095**

**FINAL ORDER**

**NOW ON THIS** 23<sup>rd</sup> day of February, 2010, the above-entitled matter comes on before Kathleen Selzler Lippert, Interim Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Interim Executive Director makes the following determinations.

1. On January 20, 2010, the Interim Executive Director issued a Summary Order regarding the license of Jean E. Gaar, O.T.A. (“Licensee”) to practice as an occupational therapy assistant in the State of Kansas. Such Summary Order was served on January 21, 2010, by depositing the same in the United States Mail first-class postage prepaid to Licensee’s last known address.

2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

3. No hearing has been requested by any party therefore the Summary Order became effective as a Final Order on February 9, 2010.

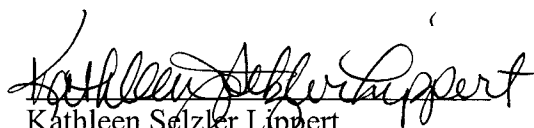
**IT IS SO ORDERED.**

**NOTICE OF RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed pursuant to K.S.A 77-613(e), the Agency Officer to be served on behalf of the Kansas State Board of Healing Arts is Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603.

Dated this 23<sup>rd</sup> day of February 2010.

Kansas State Board of Healing Arts

  
Kathleen Selzler Lippert  
Interim Executive Director

**Certificate of Service**

I certify that the foregoing Final Order was served this 23<sup>rd</sup> day of February 2010, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Jean E. Gaar, O.T.A.  
(confidential)  
Leawood, Kansas 66206

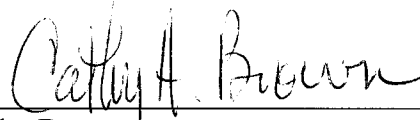
and a copy was hand-delivered to:

Stacy R. Bond  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

Melissa Massey  
Compliance Coordinator  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

And the original was filed with the office of the Executive Director:

Kathleen Selzler Lippert  
Interim Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603



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Cathy Brown  
Executive Assistant

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

**FILED** CAB

JAN 21 2010

**KS State Board of Healing Arts**

In the Matter of )  
JEAN E. GAAR, O.T.A. )  
 )  
Kansas License No. 18-00140 )  
\_\_\_\_\_ )

Docket No. 10-HA 00095

**SUMMARY ORDER**

NOW ON THIS 20<sup>th</sup> day of January, 2010, this matter comes before Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts (“Board”), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Jean E. Gaar, O.T.A. (“Licensee”) was originally issued license number 18-00140 to practice as an occupational therapy assistant in the state of Kansas on December 10, 1993. Licensee’s license is currently active.
2. Licensee’s last known mailing address as provided to the Board at the time of her application for reinstatement is 9624 Manor Road, Leawood, Kansas 66206.
3. On or about June 2, 2009, the Board received an application from Licensee for reinstatement of her occupational therapy assistant license. Licensee’s license had been cancelled for

failure to renew on May 1, 2009.

4. In section 6 of her application, Licensee lists all professional activities since the cancellation of her license. Licensee states that she worked as a COTA for Avalon Home Health Inc. from May 1, 2009 to June 16, 2009. Licensee states that at the end of May she realized that she had not received any renewal correspondence from our Board and that her license had expired. Licensee also states that she continued to work in order to pay her bills.

5. Licensee's license was reinstated on June 29, 2009. Licensee worked from May 1, 2009 until June 16, 2009 as an occupational therapy assistant without being properly licensed.

#### **Applicable Law**

6. K.S.A. 65-5410 states, in pertinent part: (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 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;

(c) 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 \$5000 for the first violation. . . .

7. K.A.R. 100-54-5 Unprofessional conduct; defined. Unprofessional conduct means any of the following:

(o) committing conduct likely to deceive, defraud or harm the public

#### **Conclusions of Law**

8. The Board has jurisdiction over Licensee as well as the subject matter of this

proceeding, and such proceeding is held in the public interest.

9. That by continuing to be employed as an occupational therapy assistant from May 1, 2009 to June 16, 2009, Licensee was holding herself out to the public as an individual properly licensed by the Kansas State Board of Healing Arts to assist in the practice of occupational therapy, by doing so Licensee engaged in conduct likely to deceive, defraud or harm the public in violation of K.S.A. 65-5410(2) in combination with K.A.R. 100-54-5.

10. The Board finds that Licensee engaged in unprofessional conduct as defined by K.A.R. 100-54-5 by continuing to be employed as an occupational therapy assistant without being properly licensed.

11. 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, Jean E. Gaar, O.T.A.

**IT IS, THEREFORE, ORDERED** that Licensee is hereby assessed a civil fine of \$150.00 due and payable within thirty days of the effective date of this Order.

**NOTICE AND OPPORTUNITY FOR HEARING**

**PLEASE TAKE NOTICE** that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting




a hearing. A written request for hearing must be addressed and mailed to Kathleen Selzler Lippert, Interim Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

**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 20<sup>th</sup> day of Jan 2010.

Kansas State Board of Healing Arts

  
Kathleen Selzler Lippert  
Interim Executive Director

**Certificate of Service**

I certify that the foregoing Summary Order was served this 21<sup>st</sup> day of January, 2010, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Jean E. Gaar, O.T.A.  
(confidential)  
Leawood, KS 66206

and a copy was hand-delivered to:

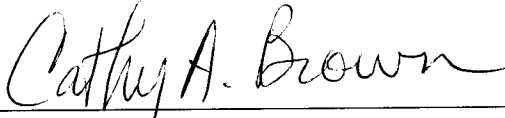
Katy Lenahan  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, KS 66603

Melissa Massey  
Compliance Monitor  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

Stacy R. Bond  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

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

Kathleen Selzler Lippert  
Interim Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
\_\_\_\_\_  
Cathy Brown  
Executive Assistant