

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED *CAH*
FEB 23 2010
KS State Board of Healing Arts

In the Matter of)
DEBRA GALVIN, O.T.)
)
Kansas License No. 17-00052) Docket No. 10-HA00097
_____)

FINAL ORDER

NOW ON THIS 23rd 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 Debra Galvin, O.T. ("Licensee") to practice as an occupational therapist 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.

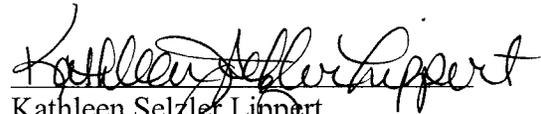
NOTICE OF RIGHTS

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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 23rd 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 23rd day of February 2010, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Debra Galvin, O.T.
(confidential)
Shawnee, Kansas 66218

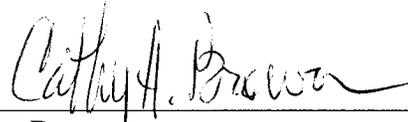
and a copy was hand-delivered to:

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



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)
DEBRA GALVIN, O.T.)
)
Kansas License No. 17-00052)
_____)

Docket No. 10-HA 00097

SUMMARY ORDER

NOW ON THIS 20th day of Jan, 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. Debra Galvin, O.T. (“Licensee”) was originally issued license number 17-00052 to practice as an occupational therapist in the State of Kansas on August 15, 1987. 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 (confidential) Shawnee, Kansas 66218.
3. On or about October 5, 2009, the Board received an application from Licensee for reinstatement of her occupational therapy license. Licensee’s license had been cancelled for failure to renew on May 1, 2009.

4. In her application, Licensee lists all professional activities since the cancellation of her license. Licensee states that she was self-employed and had been practicing occupational therapy at her facility, “Dr. Deb’s”, from May 1, 2009 to September 21, 2009 when she realized her license had lapsed.

5. Licensee stated that she worked as an occupational therapist and continued to treat patients from May 1, 2009 until September 21, 2009. Licensee stated that she is a solo person in her practice and all services were delivered by her.

6. Licensee’s license was reinstated on October 21, 2009. Licensee worked from May 1, 2009 until September 21, 2009 as an occupational therapist without being properly licensed.

Applicable Law

7. 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 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;

(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. . . .

8. 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

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

10. The Board finds that Licensee practiced as an occupational therapist without being licensed from May 1, 2009 until September 21, 2009.

11. The Board finds that by practicing as an occupational therapist without being properly licensed, Licensee engaged in conduct that could deceive, defraud or harm the public.

12. That by continuing to engage in the practice of occupational therapy from May 1, 2009 to September 21, 2009, without being properly licensed or properly supervised by a licensed occupational therapist, Licensee was in violation of K.S.A. 65-5410(a)(2) and K.A.R. 100-54-5 (o).

13. 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, Debra Galvin, O.T.

IT IS, THEREFORE, ORDERED that Licensee is hereby assessed a civil fine of \$250 due and payable within thirty days of the effective date of this Order.

NOTICE AND OPPORTUNITY FOR HEARING

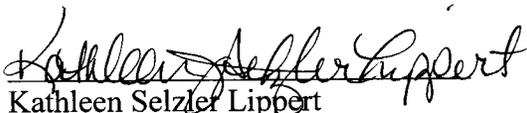
PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or

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 20th 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 21st day of January 2010, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Debra Galvin, O.T.
(confidential)
Shawnee, KS 66218

and a copy was hand-delivered to:

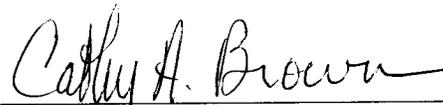
Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

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