

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)
)
DANA GIFFORD, PTA,)
Kansas License No. 04-14025)
_____)

KSBHA Docket No. 09-HA00188

FINAL ORDER

NOW this 4th day of December, 2009 the above captioned matter comes before the Kansas State Board of Healing Arts (Board) on the various motions to review the Initial Order. The petitioner is represented by Associate Litigation Counsel. The respondent, Dana Gifford, appears in person and through her attorney, Jason P. Hoffman. There are no other appearances. The Board after hearing the statements of Counsel, after review of the record and being duly apprised of the premises finds and concludes as follows:

1. The Board accepts the Findings of Fact made by the Presiding Officer in the Initial Order and adopts those Findings of Fact as the Findings of Fact for the Final Order.

2. The Board accepts the Presiding Officer's Conclusions of Law and adopts the Presiding Officer's Conclusions of Laws as the Conclusions of Law for the Final Order.

3. The Board amends the Presiding Officer's Order to read as follows:

a. Licensee's license is hereby REINSTATED subject to MONITORING for a period of five (5) years.

b. Licensee shall be subject to the following MONITORING terms:

1. (confidential)

(confidential)

2. (confidential)

3. (confidential)

(confidential)

4. (confidential)

(confidential)

5. Licensee's employer shall submit a monthly letter to the Board's compliance coordinator verifying licensee's continued employment (confidential)

(confidential)

6. Licensee shall submit a letter to the Board's compliance coordinator every month informing the Board of Licensee's current home and work addresses.

c. This MONITORING of Dana Gifford's license to practice as a Physical Therapy Assistant is not self-terminating. After five (5) years, Licensee may petition the Board to terminate her probation and monitoring.

4. Any violation of any of the terms of the above mentioned monitoring of the licensee's Physical Therapy Assistant's license by the licensee shall constitute

a violation of this Final Order and will subject the licensee to revocation of her license to practice as a physical therapy assistant.

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 Kathleen Selzler-Lippert, the Board's Interim Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.

DATED THIS 15th day of December, 2009.


Kathleen Selzler Lippert
Interim Executive Director
Kansas State Board of Healing Arts

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Final Order was served by depositing the same in the United States mail, first-class postage prepaid, this 15th day of December, 2009, addressed to:

Dana Gifford, PTA
4730 SW 28th St.
Topeka, KS 66614

Jason P. Hoffman
Commerce Bank Tower
100 E. 9th Street, 3rd Floor East
Topeka, KS 66612

With a hand delivered copy to:

Janith Lewis
Associate Litigation Counsel
235 SW Topeka Blvd
Topeka, KS 66603

With a hand delivered copy to:

Kathleen Selzler Lippert, #17957
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And the original was filed with the office of the Interim Executive Director.


Patty Kostreles
Admin officer

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED CAB

JUN 24 2009

In the Matter of)
Dana Gifford, PTA)
)
Kansas License No. 14-01066)
_____)

KS State Board of Healing Arts

Docket No. 09-HA00188

FINAL ORDER

NOW, on this 12th day of June, 2009, the above-entitled matter comes on before the Kansas State Board of Healing Arts ("Board") for conference hearing on the Petitioner's petition to revoke, suspend, censure, fine or otherwise limit Licensee's license to practice. Licensee appears by and through counsel, Jason P. Hoffman of Topeka, Kansas. Kathleen Selzler Lippert, Litigation Counsel, appears for the Board. There are no other appearances.

WHEREUPON, having the agency record before it, hearing the statements and arguments of counsel and being duly advised in the premises, the Board FINDS and ORDERS as follows:

1. Licensee was censured, suspended and required to comply with monitoring by Consent Order filed on December 17, 2007.
2. **(Confidential)**
3. **(Confidential)**
4. **(Confidential)**
5. Licensee violated K.S.A. 65-2912(a)(5) in that she has violated a lawful order of the Board.

6. (Confidential)

IT IS THEREFORE ORDERED that Licensee is suspended from practice (Confidential)
(Confidential)

PLEASE TAKE FURTHER 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 the Board's Executive Director at 235 SW. Topeka Blvd., Topeka, KS 66603.

IT IS SO ORDERED.

DATED THIS 29th day of JUNE, 2009

KANSAS STATE BOARD OF HEALING ARTS



Jack Confer
Executive Director

Certificate of Service

I certify that the foregoing Final Order was served this 25th day of June, 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Dana Gifford, PTA
4730 SW 28th St.
Topeka, KS 66614

and

Jason P. Hoffman
Commerce Bank Tower
100 E. 9th Street, 3rd Floor East
Topeka, KS 66612
Attorney for Licensee

and a copy was hand-delivered to:

Kathleen Selzler Lippert
Litigation Counsel
Kansas Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

and the original deposited for filing in the office of the Executive Director.

Cathy A. Brown