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DEC 16 2010

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

KS State Board of Healing Arts

In the Matter of)
Michelle J. Gillum, P.T.)
)
Kansas License No. 11-01094)
_____)

Docket No. 11-HA-00024

FINAL ORDER

Pursuant to the authority granted to the Kansas State Board of Healing Arts (“Board”) by K.S.A. 65-2801 et seq. and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 et seq., the Board hereby enters this Final Order in the above-captioned matter. 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. Michelle J. Gillum, P.T. (“Licensee”), 72 Via Verde, Wichita, Kansas 67230, is licensed in the State of Kansas and has been licensed since March 24, 1984.
2. On August 25, 2010, the Board, by and through Associate Litigation Counsel, Julia Mowers, filed a Petition against Licensee alleging four (4) separate violations of the Kansas Healing Arts Act. The Petition is hereby incorporated by reference in its entirety.
3. Licensee was previously disciplined by the Board in Docket No. 03-HA0067 as a result of a criminal conviction for obtaining a prescription by fraud on February 28, 2000 in Sedgwick County District Court. Licensee was also convicted of petit theft on August 19, 2002 in Sedgwick County District Court.

4.

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6.

(confidential)

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8. The Petition alleges Licensee violated the following Kansas statutes and regulations:

i. K.S.A. 65-2912

ii. K.A.R. 100-29-12

9. On September 6, 2010, Licensee submitted a letter to Presiding Officer Tracy T. Diehl stating Licensee intended to surrender her physical therapy license.

10. A prehearing conference was held on September 29, 2010 by Presiding Officer Tracy T. Diehl. Licensee appeared by telephone. Board attorneys Julia Mowers and Kelli Stevens appeared by telephone on behalf of the Board.

11. Presiding Officer Diehl noted Licensee's letter and asked Licensee whether she still wanted to surrender her license. Licensee stated affirmatively that she wanted to surrender her license.

12. The Board has not objected to Licensee's surrender of her license.
13. A Summary Order was issued on October 25, 2010, Licensee failed to appeal the Summary Order.

Applicable Law

- a. K.S.A. 77-501 et seq.
- b. K.S.A. 65-2801 et seq.
- c. K.S.A. 65-2912
- d. K.A.R. 100-29-12

Policy Statement

Recognizing that the practice of the healing arts is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

Conclusions of Law


14. Licensee is currently licensed as a physical therapist in the State of Kansas, Kansas License No. 11-1094 and has been so licensed since March 24, 1984.
15. On August 25, 2010, the Board, by and through Associate Litigation Counsel, Julia Mowers, filed a Petition against Licensee alleging four (4) separate violations of the Kansas Healing Arts Act.
16. A prehearing conference was held on September 29, 2010.
17. In lieu of further disciplinary proceedings, Licensee requested permission to surrender her license via letter on September 6, 2010 and orally at the prehearing conference held on September 29, 2010.
18. The Board has not objected to the Licensee surrendering her license.

19. A Summary Order was issued on October 25, 2010, Licensee failed to appeal the Summary Order. Pursuant to K.S.A. 77-501 et seq. the Summary Order became a Final Order.

IT IS HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:

20. The surrender of Licensee's license to practice physical therapy in the State of Kansas is hereby **ACCEPTED**.
21. Licensee is ordered to refrain from and is no longer permitted to practice physical therapy in the State of Kansas effective upon the effective date of this Order.
22. Disciplinary proceedings currently pending against Licensee shall be suspended until the effective date of this Order.
23. This matter shall be reportable to the National Practitioners Databank.
24. Upon the effective date of this Order, disciplinary proceedings shall be terminated without prejudice and the Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 15 DAY OF Dec, 2010, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lipbert
Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

(Pursuant to K.S.A. 77-501 et seq.)

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 Executive Director, at 235 SW Topeka Blvd., Topeka, KS 66603.

CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the foregoing Final Order was served this 16th day of December, 2010 by depositing the same in the United States Mail, first-class postage prepaid and addressed to:

Michelle Gillum
72 Via Verde
Wichita, Kansas 67230
And via e-mail at shellyg430@yahoo.com

And a copy was hand delivered to the office of:


Julia Mowers
Associate Litigation Counsel
Kansas State Board of Healing Arts
235 SW Topeka Blvd.
Topeka, Kansas 66603

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

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The original filed with:

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



Cathy Brown
Executive Assistant

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