

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

KS State Board of Healing Arts

**In the Matter of** )  
**J. RICH JONES, P.T.** )  
 )  
**Kansas License No. 11-03209** )  
\_\_\_\_\_ )

**KSBHA Docket No. 13-HA00046**

**FINAL ORDER TERMINATING SUSPENSION  
AND IMPOSING LIMITATIONS**

NOW this 14<sup>th</sup> day of February, 2014, comes on for conference hearing before the Kansas State Board of Healing Arts (Board), the Request by Licensee to Terminate Suspension. Licensee appears in person and through counsel, Jerry Wallentine. Reese H. Hays, Litigation Counsel appears on behalf of Petitioner Board.

Pursuant to the authority granted to the Board by the Physical Therapy Act, K.S.A. 65-2901, *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 following a conference hearing in the above-captioned matter. After reviewing the agency record, hearing the testimony and arguments of the parties, considering the admitted exhibits, and otherwise being duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is presently licensed to practice physical therapy in the State of Kansas, having been issued License No. 11-03209 on approximately September 4, 2002.
2. Licensee's physical therapy license was suspended for at least six (6) months by a Final Order of the Board issued on April 25, 2013, due to Licensee having a sexual relationship with a female patient.

3. In the Final Order Suspending License, the Board concluded that, with respect to any request to terminate the suspension, Licensee would have the burden to demonstrate sufficient evidence of rehabilitation to a degree where he is able to practice with reasonable skill and safety and warrant the public trust as a physical therapist. The Board further stated that even if Licensee is found to be sufficiently rehabilitated to warrant termination of the suspension, the Board could impose additional public protection sanctions for a reasonable period of time necessary to ensure Licensee's safety to practice.

4. On January 3, 2014, Licensee filed a Request to Terminate Suspension.

5. On January 17, 2014, Litigation Counsel filed a Response in Opposition to Licensee's Request to Terminate Suspension.

6. As evidence of rehabilitation since the time of his license suspension, the Board finds that Licensee is sincere in his remorse for his past unprofessional conduct. **Confidential**  
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**Confidential**

Lastly, Licensee has completed the Center for Personalized Education's Professional Problem-Based Ethics program for professionals and achieved an "unconditional pass."

7. As evidence demonstrating that the extent of Licensee's rehabilitation remains less than complete, the Board finds that Licensee has allowed himself to encounter the prior patient with whom he had a sexual relationship. While the situations in which Licensee encountered his prior patient were unforeseen and not entirely under his control, it is concerning

to the Board that Licensee did not make a concerted effort to avoid her after the first time he encountered her.

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9. The Board concludes that Licensee's rehabilitation is progressing, but is not yet complete. Additionally, the Board recognizes that if Licensee is allowed to return to practice, the Board has a duty to ensure he is as safe to practice as any other physical therapy licensee.

10. The Board concludes that Licensee has presented clear and convincing evidence of rehabilitation to warrant terminating the suspension of his license, but the evidence is not sufficient to demonstrate that Licensee is safe to practice without restriction.

11. The Board concludes that Licensee's license should be limited to prohibit practice with female patients for at least one (1) year and require that Licensee have a chaperone present whenever he evaluates or treats any patient for at least two (2) years. Confidential

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**IT IS THEREFORE ORDERED** that the suspension of Licensee's license is hereby **TERMINATED**.

**IT IS FURTHER ORDERED** that Licensee's license to practice physical therapy shall be **LIMITED** as follows:

- A. Licensee is prohibited from evaluating and treating any female patients for at least one (1) year.
- B. Licensee is prohibited from practicing physical therapy unless Licensee has a chaperone present in the room whenever he is evaluating and treating any patient for at least two (2) years. The chaperone(s) shall be an adult staff person which Licensee shall identify to the Board prior to seeing any patients. Licensee shall ensure that chaperones maintain a daily log of all patients seen by Licensee each day and certify their presence for each patient on the daily log. Licensee shall use a daily log form provided by Board staff. Licensee shall ensure the daily logs are submitted to the Board on a monthly basis to the attention of: Compliance Coordinator, Kansas Board of Healing Arts, 800 SW Jackson Street, Lower Level- Suite A, Topeka, Kansas 66612. Licensee shall ensure that the daily logs for each month are received at the Board on or before the 15<sup>th</sup> day of the following month.
- C. Licensee shall furnish a copy of this Final Order to each and every employer or facility at which he practices physical therapy.
- D. **Confidential**
- E. For any period(s) of time that Licensee is not actively practicing physical therapy in Kansas, the timeframes for the limitations in paragraphs A and B shall be tolled and not counted in reducing the required timeframes.

F. The limitations in this Final Order are not self-terminating. Licensee is required to request modification or termination of any of the terms or timeframes in this Final Order.

**IT IS FURTHER ORDERED** that the Board shall maintain jurisdiction over this matter to issue such further order(s) deemed necessary and appropriate in the circumstances.

**IT IS SO ORDERED THIS 26 DAY OF FEBRUARY, 2014, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

  
Kathleen Selzler Lippert, Executive Director

**NOTICE OF 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. Pursuant to K.S.A. 77-529, Licensee 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 Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on this 27<sup>th</sup> day of February 2014, a true and correct copy of the above and foregoing **FINAL ORDER TERMINATING SUSPENSION AND IMPOSING LIMITATIONS** was served by depositing the same in the United States mail, postage prepaid, and addressed to the following:

J. Rich Jones, P.T.

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Olathe, Kansas 66062

Jerry Wallentine

Law Firm of Martin & Wallentine, LLC

130 North Cherry Street, Suite 201

Olathe, Kansas 66061

And a copy was hand-delivered to:

Reese H. Hays, Litigation Counsel

Kansas State Board of Healing Arts

800 SW Jackson, Lower Level – Suite A

Topeka, KS 66612

Katy Lenahan, Licensing Administrator

Kansas State Board of Healing Arts

800 SW Jackson, Lower Level – Suite A

Topeka, KS 66612

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



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Cathy Brown, Executive Assistant