

**EFFECTIVE AS A
FINAL ORDER**

DATE: 10/15/13

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
SEP 24 2013
KS State Board of Healing Arts

In the Matter of)
MICHAEL S. LANIGAN P.T.A.,)
)
Kansas License No. 14-00898)
_____)

Docket No. 14-HA 00045

SUMMARY ORDER

NOW ON THIS 23rd day of Sept., 2013, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537.

Pursuant to K.S.A. 77-537, this Summary Order shall become effective as a Final Order, without further notice, if no request for hearing is made within fifteen (15) days of service.

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. Michael S. Lanigan, P.T.A. ("Licensee") was originally issued certificate number 14-00898 to practice as a physical therapy assistant in the state of Kansas on or about February 11, 1995. Licensee's current certificate designation is active, and such license was last renewed on or about January 18, 2013.

2. Licensee's last known mailing address as provided to the Board is **Confidential** Parsons, Kansas 67357.

3. On or about January 18, 2013, Licensee submitted his 2013 Renewal of Physical Therapy Assistant Certification to the Board. On that application he requested a six (6) month

extension to obtain his required twenty (20) hours of Continuing Education Units (CEU).

4. Licensee also provided a written explanation of why he needed the six (6) month extension to obtain his required twenty (20) hours of CEU. He advised that he had financial difficulties during the previous year that prevented him from paying for the cost of his required CEUs.

5. K.A.R. 100-29-9(b) allows a Licensee who cannot meet their CEU requirements to request a six (6) month extension of time to comply with their yearly CEU requirements. This request may be granted by the Board upon a showing of good cause.

6. On or about January 18, 2013, Katy Lenahan, Board Licensing Administrator, found Licensee had shown good cause for an extension of time to be granted in this situation and granted Licensee's six (6) month extension request. This grant of an extension of time gave Licensee until June 30, 2013, to complete and provide proof of his twenty (20) hours of CEU.

7. On or about July 17, 2013, Ms. Lenahan sent Licensee a letter informing him that the Board had not received his required proof of completion of his required twenty (20) hours of CEU by his extended completion date of June 30, 2013. In that letter, Ms. Lenahan informed Licensee that the Board must receive proof of completion of twenty (20) CEU hours by July 29, 2013. She also advised him that failure to provide proof of completion of twenty (20) CEU hours by July 29, 2013, may result in Licensee being assessed a fine and his Physical Therapy Assistant certificate being suspended by the Board.

8. On or about July 23, 2013, Licensee called Ms. Lenahan and explained to her that he did not complete the required twenty (20) CEU hours by June 30, 2013 because he did not have the money to pay for the CEU hours.

Applicable Law

9. K.S.A. 65-2910(b) states in pertinent part:

Renewal of...certification; renewal requirements...(b) The board shall require every...certified physical therapist assistant as a condition of renewal to submit with the application for a renewal evidence of satisfactory completion of a program of continuing education required by the board....

10. K.A.R. 100-29-9 states in pertinent part:

(a)(1)(A) As a condition of renewal for each odd-numbered year, each...certified physical therapist assistant shall submit, in addition to the annual application for renewal of...certification, evidence of satisfactory completion within the preceding two-year period of a minimum of...20 contact hours of continuing education for a certified physical therapist assistant....(b) Any applicant for renewal who cannot meet the requirements of paragraph (a)(1)(A) may request an extension from the board to submit evidence of continuing education. The request shall include a plan for completion of continuing education requirements within the requested extension period. An extension of six months may be granted by the board for good cause shown.

11. K.S.A. 65-2912(a)(5) states in pertinent part:

The board may...suspend or revoke the...certificate of any certified physical therapist assistant, or may limit the...certificate of any certified physical therapy assistant or may censure a...certified physical therapy assistant or may censure a...certified physical therapy assistant for...(5) unprofessional conduct as defined by rules and regulations adopted by the board....

12. K.A.R. 100-29-12(a)(26) states in pertinent part:

(a) "Unprofessional conduct" means any of the following...(26) violating any regulations adopted by the board relating to the practice of physical therapy.

Conclusions of Law

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

14. The Board finds that Licensee violated K.S.A. 65-2912(a)(5) by failing to successfully complete and provide proof of completion to the Board of a minimum of twenty (20) contact hours of continuing education for a certified physical therapist assistant as required by K.A.R. 100-29-9 that was adopted by the Board and relates to the practice of physical therapy.

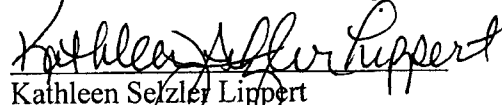
15. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Michael S. Lanigan, P.T.A.

IT IS, THEREFORE, ORDERED that Licensee is hereby **INDEFINITELY SUSPENDED** for Licensee's violation of the Physical Therapy Practice Act. Licensee shall be Indefinitely Suspended until such time as he provides to the Board proof of successful completion of twenty (20) contact hours of continuing education for a certified physical therapist assistant as required by K.A.R. 100-29-9.

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 23rd day of Sept, 2013.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Executive Director

NOTICE OF RIGHTS

(Pursuant to K.S.A. 77-542)

Licensee is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Licensee desires a hearing, within fifteen (15) days from the date of service of this Order, Licensee must file a written request for a hearing with the office of the Executive Director at:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

If Licensee requests a hearing, the Kansas State Board of Healing Arts will notify the Licensee of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same. If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-542. Pursuant to K.S.A. 77-613(e), the Executive Director is the agency officer designated to receive service of petition for judicial review on behalf of the agency.

FINAL ORDER NOTICE OF RIGHTS

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, Executive Director, Kansas Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true copy of the foregoing **FINAL ORDER** was served this 15th day of Oct., 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

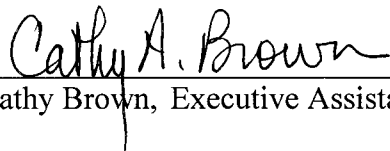
Michael S. Lanigan, P.T.A.
Confidential
Parsons, KS 67357

And a copy was hand-delivered to:

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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



Cathy Brown, Executive Assistant