

FILED CAB

MAY 24 2010

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

KS State Board of Healing Arts

In the Matter of)	
)	
Darren Layton, OT)	Docket No. 10-HA00077
)	
<u>Kansas license No. 17-02034</u>)	

FINAL ORDER

NOW, on this 21st day of May 2010, this matter comes before Kathleen Selzler Lippert, Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being advised in the premises, the Interim Executive Director makes the following determinations.

1. On March 24, 2010 the Executive Director issued a Summary Order regarding the license of Darren Layton, O.T. ("Licensee") to practice as an occupational therapist in the state of Kansas. The Summary Order contained a provision for the Licensee to submit proof of 40 hours of continuing education, due within fifteen (15) days of the effective date of the Summary Order.

2. On March 24, 2009, the Executive Director issued a Summary Order regarding the license of Darren Layton, O.T. ("Licensee") to practice as an occupational therapy in the state of Kansas. The Summary Order contained a provision assessing a \$100 civil fine against Licensee for failure to have met the continuing education requirement at the time of renewal, due and payable within fifteen (15) days of the effective date of the Summary Order.

3. 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 the requesting a hearing.

4. No hearing has been requested by any party; therefore the Summary Order became effective as a final order on April 13, 2010.

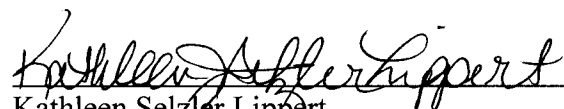
IT IS SO ORDERED

NOTICE OF RIGHTS

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, Executive Director, Kansas State Board of Healing Arts, 235 S Topeka Blvd., Topeka, Kansas 66603.

DATED this 21st day of May, 2010

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert
Executive Director

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Final Order was served this 24th day of May, 2010 by United States mail, first class postage prepaid and addressed to:

Darren Layton, OT
12457 Slater St
Overland Park, KS 66213

Darren Layton, OT
Rehab Care
7850 Freeman
Kansas City, KS 66112

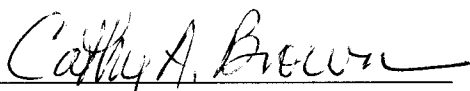
and a copy hand delivered to the office of:

Kelli Stevens
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 6603-3068

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

and the original filed with the office of the Interim Executive Director.

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



Cathy Brown
Executive Assistant

FILED *CPB*

JAN 21 2010

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

KS State Board of Healing Arts

In the Matter of)	
)	
Darren Layton, OT)	Docket No. 10-HA00077
)	
<u>Kansas license No. 17-02034</u>)	

FINAL ORDER

NOW, on this 20th day of January 2010, this matter comes before Kathleen Selzler Lippert, Interim Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being advised in the premises, the Interim Executive Director makes the following determinations.

1. On December 15, 2009 the Interim Executive Director issued a Summary Order regarding the license of Darren Layton, O.T. ("Licensee") to practice as an occupational therapist in the state of Kansas. The Summary Order contained a provision for the Licensee to submit proof of 40 hours of continuing education, due within fifteen (15) days of the effective date of the Summary Order.

2. On December 15, 2009, the Interim Executive Director issued a Summary Order regarding the license of Darren Layton, O.T. ("Licensee") to practice as an occupational therapy in the state of Kansas. The Summary Order contained a provision assessing a \$100 civil fine against Licensee for failure to have met the continuing education requirement at the time of renewal, due and payable within thirty (30) days of the effective date of the Summary Order.

3. 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 the requesting a hearing.

4. No hearing has been requested by any party; therefore the Summary Order became effective as a final order on January 4, 2010.

IT IS SO ORDERED

NOTICE OF RIGHTS

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 20th day of January, 2010

KANSAS STATE BOARD OF HEALING ARTS



Kathleen Selzler Lippert
Interim Executive Director

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Final Order was served this 21st day of January, 2010 by United States mail, first class postage prepaid and addressed to:

Darren Layton, OT
12457 Slater St
Overland Park, KS 66213

Darren Layton, OT
Rehab Care
7850 Freeman
Kansas City, KS 66112

and a copy hand delivered to the office of:

Kelli Stevens
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

and the original filed with the office of the Interim Executive Director.

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



Cathy Brown
Executive Assistant

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

FILED
FEB 1 2010
KS State Board of Healing Arts

In the Matter of)
)
Darren Layton, OT)
License No. 17-02034)
_____)

Docket Number: 10-HA00077

SUMMARY ORDER

NOW ON THIS 19th day of December, 2009, 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.

After reviewing 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:

1. Darren Layton, OT ("Licensee") was originally issued license number 17-02034 to practice as an occupational therapist in the State of Kansas on November 6, 2001.
2. On or about March 30, 2009, Licensee submitted an application for renewal of their license.
3. Pursuant to K.S.A. 65-5412 and K.A.R. 100-54-7 each Licensee desiring to renew a occupational therapy assistant license must have completed at least 40 credits of continuing education and to provide proof of completion to the Board upon request
4. As part of the renewal process, Licensee certified that the rules regarding continuing education had been read, that compliance had been achieved, and that documentation of the continuing education would be maintained for a three-year period and produced to the Board upon request.
5. Licensee was randomly selected to provide verification of compliance with the continuing requirements and on June 16, 2009, a letter was mailed to Licensee requesting that

Licensee provide no later than July 20, 2009, the records relied upon when Licensee certified achievement of the required continuing education.

6. A second letter requesting proof of continuing education by August 7, 2009 was sent to licensee on July 21, 2009 by certified mail through the United States Postal Service. This certified letter was returned to the Board on August 12, 2009 unclaimed

7. A third letter requesting proof of continuing education by September 15, 2009 was sent to licensee on August 27, 2009 by certified mail through the United States Postal Service to her practice address on file.

8. The third request letter was signed for by a representative for the licensee on September 1, 2009.

9. Licensee failed to provide documented evidence of continuing education by the due date.

10. By failing to provide documented evidence of her continuing education, Licensee has violated K.S.A. 65-5410(4), violating any lawful order or rule and regulation of the Board. Further, Licensee violated K.A.R. 100-54-5(g), failing to furnish the Board or it representative any information legally requested by the Board.

11. In addition to any other penalty prescribed under the Occupational Therapy Practice Act, K.S.A. 65-5410(c) authorizes the Board to assess an administrative fine in an amount not exceeding \$5,000 for the first violation of the Occupational Therapy Practice Act.

IT IS, THEREFORE, ORDERED Licensee is hereby fined \$100 for failure to respond to the Board's legal request for information. The fine is due within thirty days of the effective date of this order.

IT IS FURTHER ORDERED that licensee shall submit proof of the continuing education requirements for the previous year to the Board with in fifteen days of the effective date of this order.

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 within 15 days following service of the summary 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 request for a hearing must be addressed to Kathleen Selzler Lippert, Interim Executive Director, 235 South Topeka Boulevard, Topeka, Kansas 66603.

DATED this 15th day of December, 2009.

KANSAS STATE BOARD OF HEALING ARTS


Kathleen Selzler Lippert
Interim Executive Director

CERTIFICATE OF SERVICE

I, do hereby certify that on the ^{15th} day of December, 2009, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Darren Layton, OT
12457 Slater St
Overland Park, KS 66213

Darren Layton, OT
Rehab Care
7850 Freeman
Kansas City, KS 66112

and a copy hand delivered to the office of:

Kelli Stevens
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and the original filed with the office of the Interim Executive Director.

Kathleen Selzler Lippert
Interim Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068


~~Cathy Browne~~ *Patty Kostreles*
Executive Assistant