

**EFFECTIVE AS A
FINAL ORDER**

DATE: 5/13/14

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

FILED 
APR 28 2014

KS State Board of Healing Arts

**In the Matter of
Patrick Leach, PTA**

Docket No. 14-HA00118

Applicant for Kansas License

**PROPOSED DEFAULT ORDER DENYING APPLICATION FOR
REINSTATEMENT OF CERTIFICATION**

NOW on this 11th day of April, 2014, comes on for conference hearing before the Kansas State Board of Healing Arts ("Board") the Application for Reinstatement of a Certificate to practice as a physical therapy assistant of Patrick Leach, PTA ("Applicant"). Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board. Applicant fails to appear.

Pursuant to the authority granted to the Board by 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 proposed Default Order in the above-captioned matter.

Having the agency record before it, the Board finds, concludes and orders as follows:

1. Applicant was issued temporary certificate number T-02387 on January 20, 2009, to practice as a physical therapy assistant in Kansas. The temporary certificate expired when Applicant received certificate number 14-02030 on April 1, 2009.
2. Applicant's P.T.A. certificate number 14-02030 expired on February 1, 2011, due to his failure to renew it.

3. On or about July 19, 2013, Applicant submitted an application to reinstate a certificate to practice as a physical therapy assistant in the State of Kansas. Such application was deemed complete and filed with the Board on March 17, 2014.

4. On March 17, 2014, Associate Litigation Counsel filed a Response in Opposition to Application for Reinstatement of a Certificate to Practice as a Physical Therapy Assistant (“Response in Opposition”) and offered Board Exhibit 1 into evidence in the agency record.

5. In his application for reinstatement, Applicant answered “no” to disciplinary questions which asked whether he had been disciplined or terminated by a health care facility. In fact, Applicant had been terminated from Sacred Heart Home Health Care in December of 2010 for falsifying four patient records.

6. Board Exhibit 1 is evidence that Applicant admitted to falsely documenting several visits with four patients that never took place.

7. Applicant’s negative answers to the disciplinary questions constitute an attempt to obtain certification by fraud or deception and is grounds for denial pursuant to K.S.A. 65-2912(a)(3).

8. Falsifying patient records is unprofessional conduct as defined by K.A.R. 100-29-12(a)(18), in that such conduct is likely to deceive, defraud, or harm the public.

9. Documenting patient visits which never took place constitutes a failure to maintain an adequate patient record which is unprofessional conduct as defined by K.A.R. 100-29-12(a)(22).

10. Applicant's termination from Sacred Heart Home Health Care for falsifying patient records constitutes a sanction by a health care facility for acts that would constitute unprofessional conduct. Pursuant to K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(8), there are grounds to deny Applicant's application.

11. Applicant was served with a copy of the Response in Opposition on March 17, 2014, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

12. A Conference Hearing was scheduled to be held on April 11, 2014, regarding Applicant's Application for Reinstatement for which a Notice of Conference Hearing was served on Applicant on March 18, 2014, by United States Mail, first-class postage prepaid to the mailing address Applicant provided to the Board.

13. Applicant failed to appear at the conference hearing held on April 11, 2014. At the conference hearing, Associate Litigation Counsel moved for issuance of a proposed default order denying Applicant's Application for Reinstatement.

14. The Board finds Applicant is in default pursuant to K.S.A. 77-520.

15. The factual and legal allegations set forth in the Response in Opposition are deemed undisputed.

16. Board Exhibit 1 is admitted into evidence.

17. The Board concludes there are grounds to deny Applicant's Application for Reinstatement pursuant to K.S.A. 65-2912(a)(3) and K.S.A. 65-2912(a)(5).

18. Based on the undisputed allegations set forth in the Response in Opposition and evidence in the agency record, the Board concludes that denial of Applicant's Application for Reinstatement is warranted in the circumstances.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant's Application for Reinstatement is hereby DENIED.

IT IS SO ORDERED THIS 28th DAY OF APRIL, 2014, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Proposed Default Order. Pursuant to K.S.A. 77-520, a party against whom a proposed default order is issued may file a written motion to vacate the order. A motion to vacate the proposed default order must be timely filed within seven (7) days following service of the proposed default order. If no timely motion to vacate the proposed default order is received and granted, the proposed default order becomes effective as a final order without further proceedings. Pursuant to K.S.A. 77-531, if served by mail, three (3) days are added to the time limits set forth above. Any such motion must be filed with the Board to the attention of Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

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 DENYING APPLICATION FOR REINSTATEMENT OF CERTIFICATION** was served this 13th day of May, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Patrick Leach, PTA
Confidential
Kansas City, KS 66112

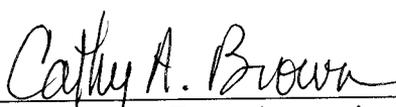
And a copy was hand-delivered to:

Jessica Bryson, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

Kelli Stevens, 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