

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

FILED

JUN 14 2005

KS State Board of Healing Arts

In the Matter of)
Carolyn Long, P.T.A.)
Kansas Certificate No. 14-00061)
_____)

Docket No. 05-HA- 81

CONSENT ORDER

COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through Stacy L. Cook, Litigation Counsel (“Petitioner”), and Carolyn Long, P.T.A. (“Certificant”), and move the Board for approval of a Consent Order affecting Certificant’s certificate to practice as a physical therapy assistant in the State of Kansas. The parties stipulate and agree to the following:

1. Certificant’s last known mailing address to the Board is 2762 Q. Terrace, Hill City, Kanas 67642.
2. Certificant is or has been entitled to engage in practice as a physical therapy assistant in the State of Kansas, having been issued Certificate No. 14-00061 on September 23, 1978. Certificant’s license status is active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of physical therapy and physical therapy assistants. K.S.A. 65-2901 *et seq.*
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505, 65-2902 and 65-2912. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board’s Final Order.

5. The Kansas Physical Therapy Act is constitutional on its face and as applied in this case.

6. Certificant agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

7. Certificant voluntarily and knowingly waives her right to a hearing. Certificant voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Certificant voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Certificant specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.

9. On or about August 4, 2004, Certificant received an order from a patient's physician for physical therapy. Certificant told the nurse at the hospital that physical therapy would not be seeing the patient. The nurse told Certificant to talk with the doctor. Certificant did not contact the doctor or her supervising physical therapist about the situation. The patient did not receive physical therapy until several days later when the supervising physical therapist was notified of the orders by another hospital staff member.

10. After Certificant returned from vacation on August 16, 2004, she made two additional notations in the patient's chart. However, she did not note that the additions were late entries, so they appeared to be made on July 30, 2004 and August 5, 2004.

11. The hospital suspended Certificant for five (5) days without pay for refusal to follow a physician's orders, tearing up orders given to the Physical Therapy department, and failure to notify the supervising Physical Therapist regarding the orders.

12. According to K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

13. In lieu of the conclusion of formal proceedings, Certificant, by signature affixed to this Consent Order, hereby voluntarily agrees to the following:

(a). Certificant will be publicly censured by the Board for failing to follow a physician's orders, practicing outside the scope of authority, and making false and/or misleading statements in patient records.

(b). Certificant agrees to pay a fine in the amount of \$500.00.
The fine is due and payable on or before July 11, 2005.

14. Certificant's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act.

15. Nothing in the Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Physical Therapy Act, or to investigate complaints received under the Risk Management law, K.S.A. 65-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Physical Therapy Act.

16. Certificant hereby releases the Board, its individual members (in their official and personal capacities), attorneys, employees and agents, hereinafter collectively referred to as "Releasees", from any and all claims, including but not limited to, those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 *et seq.* arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge Releasees of any and all claims or demands of every kind and nature that Certificant has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Certificant shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

17. Certificant further understands and agrees that upon signature by Certificant, this document shall be deemed a public record and shall be reported to the National Practitioner Databank, and any other reporting entities requiring disclosure of the Consent Order.

18. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

19. Certificant agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Certificant is not present. Certificant further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

20. Certificant, by signature to this document waives any objection to the participation of the Board members, including the Disciplinary Panel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceeding on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

21. Certificant acknowledges that she has read this Consent Order and fully understands the contents.

22. Certificant acknowledges that this Consent Order has been entered into freely and voluntarily.

23. All correspondence or communication between Certificant and the Board relating to this Consent Order shall be by certified mail addressed to the

Kansas State Board of Healing Arts, Attn: Stacy L. Cook, 235 S. Topeka Blvd.,
Topeka, Kansas 66603-3068.

24. Certificant shall obey all federal, state and local laws and rules governing the practice of physical therapy and physical therapy assistance in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.

25. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order. This Consent Order shall constitute the Board's Order when filed with the Office of the Executive Director for the Board and no further Order is required.

26. The Board may consider all aspects of this Consent Order in any future matter regarding Certificant.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that

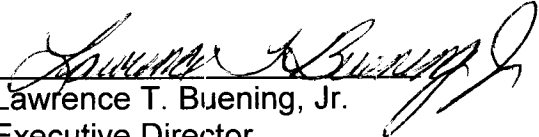
(a). Certificant is publicly censured for failing to follow a physician's orders, practicing outside the scope of authority, and making false and/or misleading statements in patient records.

(b). Certificant shall pay a fine in the amount of \$500.00.

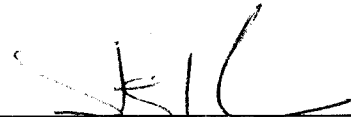
The fine is due and payable on or before July 11, 2005.

IT IS SO ORDERED on this 13th day of June, 2005.


**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**


Lawrence T. Buening, Jr.
Executive Director

PREPARED AND APPROVED BY:


Stacy L. Cook #16385
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065
(785) 296-7413

AGREED TO BY:


Carolyn Long, P.T.A.
Certificant

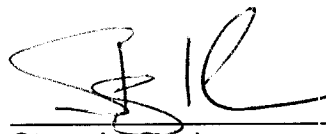
CERTIFICATE OF SERVICE

I, Stacy L. Cook, hereby certify that a true and correct copy of the
CONSENT ORDER was served on the 27th day of June, 2005 by
United States mail, first-class postage prepaid and addressed to:

Carolyn Long, P.T.A.
2762 Q Terrace
Hill City, KS 67642

and the original was hand-delivered to:

Lawrence T. Buening, Jr.
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068



Stacy L. Cook