

BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

FILED CAB  
MAY 23 2013  
KS State Board of Healing Arts

In the Matter of )  
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) Docket No.: 13-HA00097  
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**ORDER OF EMERGENCY SUSPENSION OF LICENSE**

NOW on this 21<sup>st</sup> day of May 2013, comes on for hearing before John F. Settich, PhD, Presiding Officer, Petitioner’s Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings. Reese H. Hays, Litigation Counsel, appears for the Petitioner, Kansas board of Healing Arts (“Board”). Licensee does not appear, and no counsel has entered an appearance on her behalf.

After reviewing the Motion, supporting affidavits and the agency record, and hearing the statements and arguments of Petitioner, and receiving evidence during the hearing on the matter, the Presiding Officer makes the following findings, conclusions and order:

1. This is a motion for an order pursuant to K.S.A. 77-536 and K.S.A. 65-2912. Under those statutes, the Presiding Officer may issue an order and may temporarily limit or suspend a license if the Presiding Officer finds an imminent danger to the public health, safety, or welfare.
2. The Presiding Officer has received and reviewed Petitioner’s Motion for an *Ex Parte* Emergency Order of Suspension to suspend Licensee’s license, filed with KSBHA on May 14, 2013. The motion requests an emergency suspension of Licensee’s license.

3. The Presiding Officer has heard testimony from Joe Tatrn, Special Investigator II with the Board of Healing Arts, and **Confidential**  
**Confidential**
4. At the Hearing, Petitioner's Exhibits 1-11 were admitted.

#### **FINDINGS OF FACT**

5. Licensee's last known mailing address to the Board is: **Confidential** Hiawatha, KS, 66434.
6. Licensee is or has been entitled to engage in the practice physical therapy in the State of Kansas, having been issued License No. 11-02723 on or about December 22, 2004. Licensee currently holds an active current license, having last renewed her license on or about December 21, 2012.
7. At all times relevant to the allegations set forth in the Motion, Licensee has held a current and active license to engage in the practice of physical therapy in the State of Kansas.
8. Based on the evidence presented, the Presiding Officer finds there is cause to believe that:
  - a. Licensee disclosed to the Board on her renewal application dated December 21, 2012, that in the past twelve (12) months **Confidential** which might affect her ability to safely practice.
  - b. **Confidential**
  - c.

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**CONCLUSIONS OF LAW**

9. The Presiding Officer concludes that the documentary evidence presented and hearing testimony show cause to believe that Licensee has violated K.S.A. 65-2912, specifically:

a. K.S.A. 65-2912(a)(1): Confidential

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b. K.S.A. 65-2912(a)(5): Licensee committed an act and/or acts of unprofessional conduct as further defined by K.A.R. 100-29-12(a)(2)(C),

in that Licensee cannot practice physical therapy with reasonable skill and safety **Confidential**

**Confidential**

c. K.S.A. 65-2912(a)(5): Licensee committed an act and/or acts of unprofessional conduct as further defined by K.A.R. 100-29-12(a)(7) when Licensee failed to furnish to the Board and its investigators with legally requested information; more specifically, a complete written narrative statement to the Board **Confidential**

**Confidential**

d. K.S.A. 65-2912(a)(5): Licensee committed an act and/or acts of unprofessional conduct as further defined by K.A.R. 100-29-12(a)(12), in that Licensee engaged in a pattern of practice and/or other conduct that demonstrates a manifest incapacity or incompetence to practice physical therapy; **Confidential**

**Confidential**

e. K.S.A. 65-2912(a)(5): Licensee committed an act and/or acts of unprofessional conduct as further defined by K.A.R. 100-29-12(a)(18), in that Licensee committed conduct likely to harm the public when Licensee

**Confidential**

10. Pursuant to K.S.A. 77-536 and K.S.A. 65-2912, the Board has the authority to temporarily suspend Licensee's license to address an imminent threat to the public health, safety or welfare.

11. Pursuant to K.S.A. 65-2912, the Board has grounds to revoke, suspend, censure, fine, or otherwise limit Licensee's license for violation of the Kansas Physical Therapy Practice Act.
12. Pursuant to K.S.A. 77-536, the Board may use emergency proceedings to protect the public from an immediate danger to the public health, safety, or welfare.
13. The Presiding Officer CONCLUDES that Licensee's continuation in practice would constitute an immediate danger to the public health, safety, or welfare.
14. The Presiding Officer further concludes that Licensee's license to practice of physical therapy should be immediately suspended.

**IT IS THEREFORE ORDERED** that the license of Teresa M. Miller, P.T. is hereby **IMMEDIATELY SUSPENDED PENDING A HEARING AND DECISION ON THE UNDERLYING PETITION FOR DISCIPLINE.**

**IT IS FURTHER ORDERED** that board counsel shall serve this order in the manner provided by law, and shall complete and file a proof of service.

**PLEASE TAKE NOTICE** that this is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition for judicial review is not timely unless filed within 30 days following service of the order. A copy of any petition for judicial review must be served upon Board's Executive Director at 800 SW Jackson, Lower Level Suite, A, Topeka, Kansas 66612.

Dated this 23<sup>rd</sup> day of May, 2013.

Kansas State Board of Healing Arts

John F. Settich, Ph.D. by KFS  
Residing Officer

**CERTIFICATE OF SERVICE**

I, Cathy Brown, hereby certify that I served a true and correct copy of the **ORDER OF EMERGENCY SUSPENSION OF LICENSE** by United States mail, postage prepaid, on this 23rd day of May, 2013 to the following:

Teresa M. Miller, P.T.  
**Confidential**  
Hiawatha, KS, 66434

And a copy was hand-delivered to:

Reese Hays, Litigation Counsel  
Kansas Board of Healing Arts  
800 SW Jackson  
Lower Level-Suite A  
Topeka, Kansas 66612

KSBHA Presiding Officer  
Kansas State Board of Healing Arts  
*Through Kelli J. Stevens, General Counsel*

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

And the original was filed with:

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

Cathy A. Brown  
Staff Member