

**EFFECTIVE AS A FINAL ORDER**

DATE: 5/30/2019

FILED  
MAY 08 2019 *SS*

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

KS State Board of Healing Arts

In the Matter of  
JAMES J. MOORE, A.T.

Docket No. 19-HA 00086

Kansas License No. 24-00398



**SUMMARY ORDER**

NOW ON THIS 8<sup>th</sup> day of May 2019, 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 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within 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. James J. Moore, A.T. ("Licensee") was issued License No. 24-00398 on May 13, 2003. Licensee last renewed his license on or about November 26, 2018. Licensee's license status is currently Active.

2. Licensee's last known mailing address to the Board is:   


3. During all times relevant to the facts set forth in this Summary Order, Licensee held an Active license to practice as an athletic trainer in Kansas.

4. Licensee's renewal applications dated October 30, 2017, reflected Gregory M. Erb, M.D., license number 04-34857, as Licensee's responsible physician.

5. Licensee did not submit a practice protocol designating Dr. Erb as Licensee's supervising physician until August 8, 2018.

**Applicable Law**

6. Pursuant to K.S.A. 65-6906(d):

As a condition of performing the functions and duties of an athletic trainer in this state, each licensed athletic trainer shall file a practice protocol with the board. The practice protocol shall be signed by each person licensed by the board to practice the healing arts who will delegate to the athletic trainer acts which constitute athletic training and shall contain such information as required by rules and regulations adopted by the Board.

7. Pursuant to K.A.R. 100-69-9:

(a) As a condition of providing services as an athletic trainer in this state that constitute the practice of the healing arts, each athletic trainer licensed by the board shall file a practice protocol with the board on a form issued by the board.

(b) Each practice protocol shall contain the following information:

(1) The name, license number, signature, and date of signature of any person licensed to practice the healing arts who will delegate to the athletic trainer any professional responsibilities that constitute the practice of the healing arts;

(2) a description of the functions and procedures delegated to the athletic trainer that constitute the practice of the healing arts;

(3) a statement from a person licensed to practice the healing arts specifying those acts that have been delegated to the athletic trainer in the absence or unavailability of the licensee; and

(4) a statement that the board will be provided with any changes or amendments to the practice protocol within 10 days after any changes or amendments have been made.

8. The board may deny, suspend, limit, refuse to renew, place on probation, reprimand or revoke any license granted under the athletic trainers licensure act or take other disciplinary action as the board may deem proper if the individual has violated any provision of athletic trainers licensure act or any rule and regulation adopted under such act, or committed unprofessional conduct as defined by rules and regulations adopted by the board. *See* K.S.A. 65-6911(a)(6) and K.S.A. 65-6911(a)(10).

9. “Unprofessional conduct,” as used in the athletic trainers licensure act, is defined as, among other things, “providing services as an athletic trainer without practice protocols or contrary to the practice protocols filed with the board.” *See* K.A.R. 100-69-7(e).

#### **Conclusions of Law**

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

11. The Board finds that Licensee violated K.S.A. 65-6911(a)(6), in that Licensee violated the athletic trainers licensure act by failing to conform to K.S.A. 65-6906(d) and K.A.R. 100-69-9, in that Licensee, over the course of approximately nine months, provided services as an athletic trainer without filing proper and accurate practice protocols with the Board.

12. The Board finds that Licensee violated K.S.A. 65-6911(a)(10), as further defined by K.A.R. 100-69-7(e), in that Licensee, over the course of approximately nine months, provided services as an athletic trainer without practice protocols and/or contrary to the practice protocols filed with the Board.

13. Based on the facts and circumstances set forth herein, the use of summary proceedings in this matter is appropriate, and in accordance with the provisions set forth in K.S.A.

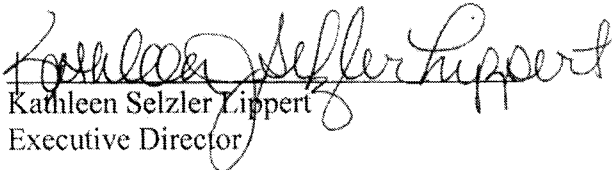
77-537(a), in that the use of summary proceedings does not violate any provision of law, and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee.

**IT IS HEREBY ORDERED** that Licensee is issued a **PUBLIC REPRIMAND** for violations of the Kansas athletic trainers licensure act.

**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 8 day of May 2019.

**KANSAS STATE BOARD  
OF HEALING ARTS**

  
Kathleen Selzler Lippert  
Executive Director

## **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 30th day of May, 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

James J. Moore, AT

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██████████

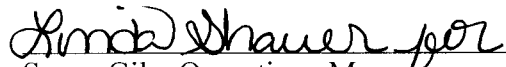
And a copy was hand-delivered to:

James T. Langford, Associate Litigation Counsel  
Kansas State Board of Healing Arts  
800 SW Jackson, Lower Level-Suite A  
Topeka, Kansas 66612

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.

  
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Susan Gile, Operations Manager