

**EFFECTIVE AS A
FINAL ORDER**

DATE: 7-15-13

FILED CAB

JUN 25 2013

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

KS State Board of Healing Arts

In the Matter of)
)
Don Merl Morton, P.T.A.)
Certificate No. 14-00536)
_____)

Docket Number: 13-HA00112

SUMMARY ORDER

NOW ON THIS 24 day of June, 2013, 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. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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:

1. Don Merl Morton, P.T.A. ("Licensee"), **Confidential** El Dorado, KS 67042, is certified to practice as a physical therapist assistant in the State of Kansas, Certificate No. 14-00536, and has been so certified since December 7, 1990.

2. Pursuant to K.A.R. 100-29-8, Licensee's certificate to practice as a physical therapist assistant in the State of Kansas expires on December 31 of each year. On or about January 23, 2013, Licensee submitted an application for certificate renewal.

3. Pursuant to K.S.A. 65-2910 and K.A.R. 100-29-9, as a condition of renewal for each odd-numbered year, each licensee desiring to renew a physical therapy assistant certificate must have completed at least twenty (20) contact hours of continuing education within the preceding two-year period. Each licensee shall provide proof of satisfactory completion of the continuing education requirements to the Board upon request.

4. As part of the renewal process, Licensee certified that the rules regarding the continuing education requirements and the Board's procedures for auditing continuing education compliance had been read. Licensee further certified that the completion of at least twenty (20) contact hours of continuing education had been achieved within the preceding two-year period and that documentation of the completed 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 education requirements.

6. On or about March 11, 2013, a letter was mailed to Licensee requesting that Licensee provide, no later than April 12, 2013, the records relied upon when Licensee certified completion of the required continuing education.

7. A second notice was sent to the Licensee by certified mail on or about April 29, 2013 requesting that Licensee provide, no later than May 17, 2013, the records relied upon when Licensee certified completion of the required continuing education.

8. The certified second notice was signed for by the Licensee on May 1, 2013.

9. On or about May 22, 2013 an email was sent to Licensee requesting that Licensee provide the records of continuing education.

10. Licensee failed to comply with the Board's request to provide documented evidence of compliance with the continuing education requirements by the deadline.

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

11. By failing to provide documented evidence of completion of the continuing education requirements, Licensee violated K.S.A. 65-2912(a)(5) by committing an act of unprofessional conduct as defined by K.A.R. 100-29-12(a)(7); specifically, failing to furnish to the Board, or its investigators or representatives, any information legally requested by the Board.

12. In addition to any other penalty prescribed under the Physical Therapy Practice Act, K.S.A. 65-2916(c) authorizes the Board to assess a civil fine in an amount not exceeding \$5,000 for the first violation of the Physical Therapy Practice Act.

IT IS, HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:

13. Licensee is hereby assessed a CIVIL FINE for failure to comply with the Board's legal request for information.

14. Licensee is hereby ordered to pay the assessed CIVIL FINE pursuant to K.S.A. 65-2916(c) in the amount of 100.00. The total amount of 100.00 shall be due on or before July 30, 2013.

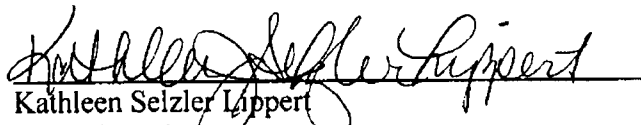
15. Licensee shall make all payments payable to the Kansas State Board of Healing Arts and send all payments to the attention of: Licensing Audit Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

16. Licensee shall have completed 20 hours of continuing education and submit proof of completion to the Board within 30 days following service of this Summary Order.

17. Licensee's license shall be suspended for failure to provide proof of the continuing education requirements and/or payment of the fine within the timeframe specified above.

18. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 24 DAY OF June, 2013, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Seizler Lippert
Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS
(Pursuant to K.S.A. 77-542)

Licensee is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Licensee desires a hearing, Licensee must file a written request for a hearing with:

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

This request must be filed within fifteen (15) days from the date of service of this Order. If Licensee requests a hearing, the Kansas State Board of Healing Arts will notify the Licensee of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. In the event Licensee files a petition for judicial review, 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
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

CERTIFICATE OF SERVICE

I, do hereby certify that on the 25th day of June, 2013, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Don Merl Morton PTA
427 Houser Dr
El Dorado, KS 67042

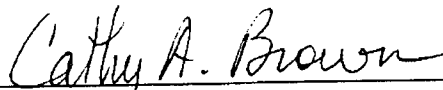
Courtesy Copy provided:

Office of the General Council
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

The original filed with:

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



Cathy Brown
Executive Assistant

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 15th day of July, 2013 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Don Merl Morton, P.T.A.

Confidential

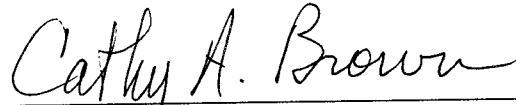
El Dorado, KS 67042

Courtesy Copy provided:

Katy Lenahan, 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.



Cathy Brown, Executive Assistant