

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

In the Matter of)
)
KATHLEEN POWERS MURASKI, O.T.)
Kansas License No. 17-00515) **Docket No. 11-HA00063**
_____)

**FINAL ORDER AND JOURNAL ENTRY OF SATISFACTION
OF REQUIREMENTS OF FINAL ORDER**

NOW ON THIS 21st day of March, 2011, the above-entitled matter comes on before Kathleen Selzler Lippert, Executive Director of the Kansas State Board of Healing Arts (“Board”). After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

1. On February 23, 2011, the Executive Director issued a Summary Order regarding the license of Kathleen Powers Muraski, O.T. (“Licensee”) to practice as an occupational therapist in the state of Kansas. The Summary Order contained a provision assessing a \$150 civil fine against Licensee for engaging in unprofessional conduct, due and payable within thirty (30) days of the effective date of the Summary Order.

2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would be come effective as a final order of the Board upon expiration of the time for requesting a hearing.

3. No hearing has been requested by any party; therefore the Summary Order became effective as a Final Order on March 14, 2011.

4. On March 15, 2011, Licensee remitted \$150.00 to the Board for satisfaction of the \$150 civil fine.

5. Licensee has satisfied all requirements of the Final Order and has no further obligation for compliance.

IT IS THEREFORE ORDERED that Licensee is hereby discharged from the requirements of the Final Order.

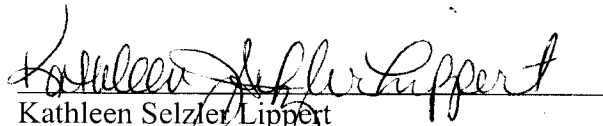
IT IS SO ORDERED.

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed 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 St., Lower Level-Suite A, Topeka, Kansas 66612.

Dated this 21st **day of March 2011.**

KANSAS BOARD OF HEALING ARTS


Kathleen Selzler Lippert
Executive Director

3/21/11
Date

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing **Final Order and Journal Entry of Satisfaction** was served on the 21st day of March, 2011 by United States mail, first-

class postage pre-paid and addressed to:

Kathleen Powers Muraski, O.T.
11723 Central St.
Kansas City, MO 64114

and a copy was hand-delivered to:

Stacy R. Bond
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson St., Lower Level-Suite A
Topeka, KS 66612

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson St., Lower Level-Suite A
Topeka, Kansas 66612

and the original was hand-delivered for filing with the office of the Executive Director:

Kathleen Selzler Lippert
Kansas State Board of Healing Arts
800 SW Jackson St., Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant

FILED

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FEB 23 2011

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS KS State Board of Healing Arts

In the Matter of)
KATHLEEN POWERS MURASKI, O.T.)
)
Kansas License No. 17-00515)
_____)

Docket No. 11-HA 00063

SUMMARY ORDER

NOW ON THIS 23rd day of Feb, 2011 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:

Findings of Fact

- 1. Kathleen Powers Muraski, O.T. ("Licensee") was originally issued license number 17-00515 to practice as an occupational therapist in the State of Kansas on December 8, 1989. Licensee's license is currently active.
2. Licensee's last known mailing address as provided to the Board at the time of her application for reinstatement is 11723 Central Street, Kansas City, Missouri 64114.
3. On or about March 1, 2010, the Board received an application from Licensee for reinstatement of her occupational therapy license. Licensee's license had been cancelled for failure

to renew on May 1, 2009.

4. In her application, Licensee lists all professional activities since the cancellation of her license. Licensee states that is employed by Rehab Choice Incorporated which is located in St. Louis, Missouri but has several contracts in Missouri and Kansas. Licensee stated that there were five dates in which she practiced as an Occupational Therapist in Kansas while her license was cancelled. The dates and locations are:

a. Pinnacle Park, Salina, Kansas – Licensee practiced at this facility for six hours as an Occupational Therapist during the dates of October 6, 2009 and October 7, 2009.

b. Bethany Home, Lindsborg, Kansas – Licensee practiced at this facility for 10.5 hours as an Occupational Therapist during the dates of October 6, 2009 and October 7, 2009.

c. Bonner Springs Nursing and Rehabilitation, Bonner Springs, Kansas – Licensee practiced at this facility for 1.25 hours as an Occupational Therapist on November 29, 2009.

d. Pinnacle Ridge, Olathe, Kansas – Licensee practiced at this facility for 2.75 hours as an Occupation Therapist during the dates of December 23, 2009 and January 29, 2010.

5. On March 1, 2010, our office received a letter from the Licensee stating that her failure to renew involved a major oversight and lack of fastidiousness related to updating an important document.

6. Licensee's license was reinstated on March 23, 2010. Licensee practiced in Kansas on October 6, 2009, October 7, 2009, November 29, 2009, December 23, 2009 and January 29, 2010

as an occupational therapist without being properly licensed.

Applicable Law

7. K.S.A. 65-5410 states, in pertinent part: (a) The Board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

(2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;

(c) The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed \$5000 for the first violation. . . .
8. K.A.R. 100-54-5. Unprofessional conduct; defined. "Unprofessional conduct" means any of the following: (o) committing conduct likely to deceive, defraud or harm the public.

Conclusions of Law

9. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.
10. The Board finds that Licensee practiced as an occupational therapist without being licensed on October 6, 2009, October 7, 2009, November 29, 2009, December 23, 2009 and January 29, 2010.
11. The Board finds that by practicing as an occupational therapist without being properly licensed, Licensee engaged in conduct that could deceive, defraud or harm the public.
12. That by continuing to engage in the practice of occupational therapy on October 6, 2009, October 7, 2009, November 29, 2009, December 23, 2009 and January 29, 2010, without

being properly licensed, Licensee was in violation of K.S.A. 65-5410(a)(2) and K.A.R. 100-54-5 (o).

13. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, 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 the 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, Kathleen Powers Muraski, O.T.

IT IS, THEREFORE, ORDERED that Licensee is hereby assessed a civil fine of \$150 due and payable within thirty days of the effective date of this Order.

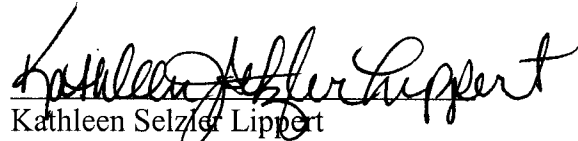
NOTICE AND OPPORTUNITY FOR HEARING

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within 15 days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

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 23rd day of Feb 2011.

Kansas State Board of Healing Arts


Kathleen Selzer Lippert
Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 23rd day of February 2011, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Kathleen Powers Muraski, O.T.
11723 Central Street
Kansas City, MO 64114

and a copy was hand-delivered to:

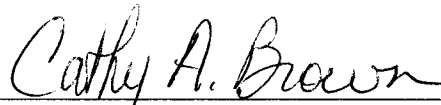
Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

Melissa Massey
Compliance Monitor
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Stacy R. Bond
Associate 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:

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