

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

F I L E D

SEP 16 2002

KANSAS STATE BOARD OF
HEALING ARTS

In the Matter of)
)
JARROD J. O'DONNELL, P.T.A.)
Kansas License No. 14-01117)
_____)

Docket No. 02-HA-61

PROPOSED DEFAULT ORDER

NOW on this 10th day of September, 2002, the above matter comes on for a prehearing conference. Respondent, the Board of Healing Arts ("Board"), appears by and through its counsel, Stacy L. Cook. There are no other appearances.

WHEREUPON, the Presiding Officer, after hearing the statements of counsel and otherwise being duly and fully advised in the premises, finds as follows:

1. On March 29, 2002, Jarrod J. O'Donnell ("Applicant") submitted an application for reinstatement of registration as a physical therapist assistant.
2. On June 7, 2002, the Board filed an Answer in Opposition to Applicant's Application.
3. On June 21, 2002, the Presiding Officer mailed to the parties a Notice of Prehearing Conference indicating that a prehearing conference would be held on Monday, August 12, 2002 at 10:00 a.m. The Notice of Prehearing Conference was mailed to the address Applicant provided on his application, 9350 Nelson Lane, Kansas City, Kansas 66109.

4. Applicant did not appear for the prehearing conference on August 12. Less than one hour prior to the conference, Applicant left a voice mail with Board staff indicating that he had an emergency and would not be able to appear for the Prehearing Conference.

5. Counsel for Respondent appeared for the prehearing conference and did not object to a continuance of the matter.

6. The Presiding Officer directed the parties to reschedule the prehearing conference at a date convenient for both parties. September 10 was a date mutually agreed upon by the parties.

7. On August 27, 2002, the Presiding Officer mailed to Applicant an Amended Notice of Prehearing Conference, scheduling the continued prehearing conference for September 10, 2002, at 10:00 a.m.

8. On September 10, 2002, a prehearing conference was held at the Board offices. Respondent appeared by and through its attorney, Stacy L. Cook. Applicant did not appear.

9. The Presiding Officer waited until approximately twenty-five minutes after ten to conclude the prehearing conference.

10. Neither the Presiding Officer nor counsel for Respondent received any communication from Applicant regarding his failure to attend or participate in the Prehearing Conference.

11. Pursuant to K.S.A. 77-520(a), if a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the Presiding Officer may serve upon all parties written notice of a proposed default order.

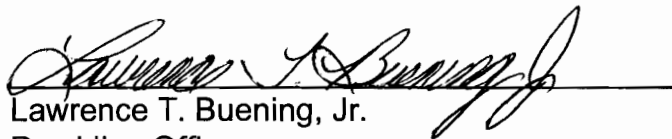
12. The Presiding Officer finds Applicant in default for failing to participate in the prehearing conference on September 10, 2002.

13. Pursuant to K.S.A. 77-520(d), the Presiding Officer, in lieu of determining the issues affecting the defaulting party may, unless otherwise prohibited by law, dismiss such party's application for an adjudicative proceeding.

IT IS, THEREFORE, ORDERED that the application of Jarrod J. O'Donnell for reinstatement of his registration as a physical therapist assistant in Kansas is denied and such application is dismissed.

PLEASE TAKE NOTICE that this is a proposed default order. Within seven days after service of this proposed default order, the party against whom the Order is issued may file a written motion requesting that the proposed default order be vacated and stating the grounds relied upon. Such motion must be addressed to Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Boulevard, Topeka, Kansas 66603.

KANSAS STATE BOARD OF HEALING ARTS


Lawrence T. Buening, Jr.
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing PROPOSED DEFAULT ORDER was served on the 17th day of September, 2002, by United States mail, first-class postage prepaid and addressed to:

Jarrod J. O'Donnell, P.T.A.
9350 Nelson Lane
Kansas City, Kansas 66109

and a copy was hand-delivered to:

Stacy L. Cook
Litigation Counsel
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

