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JUL 18 2012

KS State Board of Healing Arts

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

**In the Matter of** )  
**MISTY DAWN ONTIBEROS, P.T.A.** )  
 )  
**Kansas Certificate No. 14-01100** )  
\_\_\_\_\_ )

**KSBHA Docket No.12-HA00083**

**FINAL ORDER GRANTING REINSTATEMENT  
OF CERTIFICATE SUBJECT TO PUBLIC CENSURE**

**NOW** on this 22<sup>nd</sup> day of June 2012, comes before the Kansas State Board of Healing Arts (“Board”) the application of Misty Dawn Ontiberos (“Applicant”) for reinstatement of her certification to practice as a physical therapist assistant in the State of Kansas. Applicant appears in person and *pro se*. Jessica A. Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Physical Therapy Practice Act, K.S.A. 65-2901, *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501, *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the file, hearing the statements and arguments of the parties, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Applicant was previously certified to practice as a physical therapist assistant in the State of Kansas, having applied for and been issued Certificate No. 14-01100 on approximately February 15, 1997.
2. On approximately February 1, 2008, Applicant’s certificate was cancelled for failure to renew.

3. On or about October 28, 2011, Applicant submitted an application for reinstatement of her certification to practice as a physical therapist assistant in the State of Kansas (“Reinstatement Application”). Such Reinstatement Application was deemed complete and filed with the Board on May 23, 2012.

4. In her Reinstatement Application, Applicant disclosed she was aware of a complaint against her which had been submitted to the Board for practicing after her certificate had expired.

5. On or about January 23, 2011, the Board received information that Applicant had been practicing as a physical therapist assistant at Southwest Kansas Area Cooperative – USD #613, and at Dodge City Medical Center despite her certificate having been cancelled for failing to renew it in February 2008.

6. In 2011 Dodge City Medical Center provided information including three patient records showing that applicant was practicing as a physical therapist assistant even though her certificate to practice had been cancelled.

7. Applicant admitted to practicing on her cancelled certificate and described personal circumstances which affected her judgment in continuing to practice after her certificate was cancelled.

8. The Board finds that Applicant’s practice after her certificate was cancelled was deceptive and potentially harmful.

9. The Board concludes that Applicant’s practice after her certificate was cancelled constitutes conduct likely to deceive, defraud, or harm the public pursuant to K.S.A. 65-2912(a)(5), as further defined by 100-29-12(a)(18).

10. In conjunction with her Reinstatement Application, Applicant submitted documentation indicating she completed fifty (50) hours of online continuing education credits in a single day, twenty-four hour (24) period of time on February 2, 2012.

11. The Board finds that based on the particular circumstances described by Applicant in her testimony, it is reasonable that Applicant could complete fifty (50) hours of internet-based continuing education within a twenty-four hour period of time. Further, Respondent does not allege that the documentation certifying completion of the continuing education submitted by Applicant is fabricated or fraudulently obtained.

12. The Board concludes that Applicant did not attempt to obtain certification by fraud or deception.

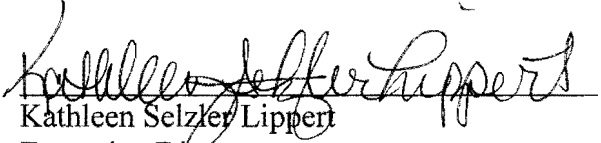
13. The Board finds that, in accord with the Physical Therapy Practice Act, it is appropriate to grant reinstatement of Applicant's certificate subject to disciplinary action in the form of a public CENSURE of such certificate for practicing as a physical therapist assistant without certification.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** that Applicant is granted reinstatement of her certificate to practice as a physical therapist assistant in the State of Kansas.

**IT IS FURTHER ORDERED THAT** such certificate is hereby publicly CENSURED for violating the Physical Therapy Practice Act.

**IT IS FURTHER ORDERED THAT** the Board shall maintain jurisdiction over this matter to issue any future order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 18<sup>th</sup> DAY OF JULY, 2011, IN THE CITY OF  
TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.

  
Kathleen Selzler Lippert  
Executive Director  
Kansas State Board of Healing Arts

**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, the Board's Executive Director, at 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 Granting Reinstatement of Certificate Subject to Public Censure** was served on this 18<sup>th</sup> day of July, 2012, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

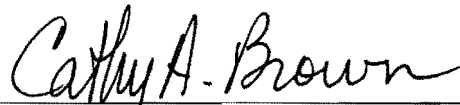
Misty Dawn Ontiberos, P.T.A.  
1611 Tomahawk Road  
Dodge City, KS 67801

And a copy was hand-delivered to:

Jessica A Bryson, Associate Litigation Counsel  
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

And the original was filed with the office of the Executive Director.



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Cathy Brown  
Executive Assistant