

**EFFECTIVE AS A FINAL ORDER**

DATE: 11/06/18

FILED

OCT 16 2018 *BV*

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

KS State Board of Healing Arts

In the Matter of )  
 )  
Dakota L. Orlando, AT )  
Kansas License No. 24-01109 )  
\_\_\_\_\_ )

KSBHA Docket No. 19 18-HA 00035

**SUMMARY ORDER**

NOW ON THIS 16th day of October, 2018, 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 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for hearing is made within fifteen (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. Dakota L. Orlando ("Licensee") was originally issued license number 24-01109 to practice as an Athletic Trainer in the state of Kansas on June 22, 2016. On or about December 31, 2017, Licensee's license status was changed to Cancelled for Failure to Renew. As of October 10, 2018, Licensee's license status is currently Cancelled for Failure to Renew.
2. Licensee's last known mailing address to the Board is: [REDACTED] Overland Park, Kansas 66204.
3. Licensee is currently employed as an Athletic Trainer with the University of Kansas Health System, and has been an employee since October 2016. Her duties include working as head athletic

trainer at Shawnee Mission East High School with athletes on injury rehabilitation, monitoring sports practices and providing healthcare at games.

4. On or about the first week in November 2017, Licensee erroneously believed she had completed the online renewal form, had submitted payment, and had otherwise fulfilled all requirements for license renewal.

5. On or about September 26, 2018, at her supervisor's direction, Licensee was compiling information to update her employee files when she noticed she did not have her 2018 license available. She immediately confirmed via the Board's website that her license had been Cancelled for Failure to Renew.

6. Upon learning that she had been practicing on an expired license since January 1, 2018, Licensee immediately ceased all athletic training activities and has not performed any health care services since that time.

7. Licensee has not held an Active license in the State of Kansas since on or before December 31, 2017. Therefore, she practiced as an unlicensed Athletic Trainer while employed by the University of Kansas Health System for nearly ten (10) months, from December 31, 2017 until September 26, 2018.

8. During the nearly ten (10) months of unlicensed practice, Licensee estimates that there were ten (10) student athletes whom she treated on a regular basis, and also treated "anywhere from seventy-five (75) to one-hundred (100) walk-in student athletes."

9. During the period of unlicensed practice, Licensee practiced without an up to date practice protocol.

10. During the period of unlicensed practice, and even after she ceased practice, Licensee was represented on her employer's website as an "athletic trainer" and "head athletic trainer at Shawnee Mission East High School" despite being unlicensed.

#### **Applicable Law**

11. K.S.A. 65-6903 provides that

[i]t shall be unlawful for any person who is not licensed under this act as an athletic trainer . . . to use, in connection with such person's name . . . words, letters, abbreviations or insignia indicating or implying that such person is an athletic trainer or who in any way, orally, in writing, in print or by sign, directly or by implication represents oneself as an athletic trainer.

12. Additionally, K.S.A. 65-6911 of the Athletic Trainers Licensure Act states in pertinent part:

(a) 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 for any of the following reasons:

(8) negligent or intentional violation of the provisions of this act or the rules and regulations adopted under this act;

(10) the individual has committed unprofessional conduct as defined by rules and regulations adopted by the board.

13. K.A.R. 100-69-7 gives multiple definitions of "unprofessional conduct," including "(e) providing services as an athletic trainer without practice protocols or contrary to the practice protocols filed with the board."

#### **Conclusions of Law**

14. The Board finds Licensee violated K.S.A. 65-6903(a) and K.S.A. 65-6911(a)(8) by negligently representing herself as an athletic trainer in violation of the Athletic Trainers Licensure Act.

15. The Board finds Licensee violated K.S.A. 65-6911(a)(10), as further defined by 100-69-7(e), by committing unprofessional conduct by providing services as an athletic trainer without a practice protocol.

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

17. Based on the facts and circumstances set forth herein, 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 law and the protection of the public interest does not require the Board to give notice and opportunity to participate to person other than Licensee.

**IT IS, THEREFORE, ORDERED** that Licensee is **PUBLICLY CENSURED** for violating K.S.A. 65-6903(a), K.S.A. 65-6911(a)(8), K.S.A. 65-6911(a)(10), and K.A.R. 100-69-7(e) of the Athletic Trainers Licensure Act.

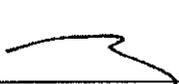
**IT IS FURTHER ORDERED** that Licensee be granted an Active license immediately upon the date this order becomes effective as a Final Order.

**IT IS FURTHER ORDERED** that all correspondence or communication between Licensee and the Board relating to the Summary Order shall be by certified mail addressed to:

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

Dated this 16th day of October, 2018.

**KANSAS STATE BOARD OF HEALING ARTS**

*FV*  #23266  
\_\_\_\_\_  
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 6<sup>th</sup> day of Nov, 2018 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Dakota L. Orlando, AT  
  
Overland Park, KS 66204

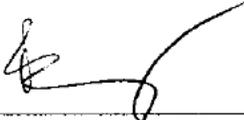
And a copy was hand-delivered to:

Matthew Gaus, Associate Litigation Counsel  
Susan R. Gering, Deputy 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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Beth Visoesky, Operations Manager