

SEP 25 2020 AD

KS State Board of Healing Arts

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

In the Matter of)	
)	Docket No.: 21-HA00024
Kaylie Pearce, P.T.)	
Kansas License No. 11-04743)	

**EMERGENCY ORDER OF TEMPORARY SUSPENSION
AND EMERGENCY PROCEEDINGS**

This matter comes before the Presiding Officer of the Board, Robin Durrett, D.O., a member of the agency head appointed to preside pursuant to K.S.A. 77-514(g),¹ on a motion filed on September 24, 2020, (“Motion”) on behalf of the Disciplinary Panel of the Board (“Petitioner”) for an *Ex Parte* Emergency Order of Suspension of the license of Kaylie Pearce, P.T. (“Licensee”) to practice physical therapy in Kansas and for Emergency Proceedings. The Motion incorporated the Petition for discipline filed on the same date (“Petition”). Upon consideration of the agency record, including all filings and attached exhibits, the presiding officer finds, concludes, and orders as follows:

1. Pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(c), there is reasonable cause to believe that:
 - a. grounds exist for disciplinary action; and

¹ The Executive Director of the Board is authorized to act on behalf of the presiding officer to perform any and all administrative and procedural matters necessary or proper to effectuate this order and the substance of the presiding officer’s orders contained herein, including but not limited to signing this order and any other filings necessary to effectuate this order.

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b. the immediate continuation in practice by Licensee would constitute an imminent danger to the public health and safety.

2. The cause to believe that grounds exist for disciplinary action and the Licensee's immediate continuation in practice would constitute an imminent danger to the public health and safety include the following:

- a. The facts and evidence as set forth and incorporated in the Motion and the Petition, which are incorporated here by reference subject to the Protective Order that has been entered in this case.
- b. The statutes and regulations under which there is cause to believe at this time that grounds exist for disciplinary action include K.S.A. 65-2912^{CONFIDENT}, K.S.A. 65-2901^{CONFIDENT}, K.A.R. 100-29-12^{CONFIDENT}, and K.A.R. 100-29-12(a)(18).
- c. Licensee entered into a Consent Order with the Board in 2018. The Board was notified

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that Licensee was not

safe to practice, pending re-evaluation.

- d. Licensee has now violated the 2018 Consent Order on four occasions. Due to these repeated violations,

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in addition to the other facts and

circumstances incorporated herein, there is cause to believe that patients in her care could be put at risk of harm at any time.

3. The practice of the healing arts, and all professions administered by the Board, “is a privilege granted by legislative authority and is not a natural right of individuals, it is deemed necessary as a matter of policy in the interests of public health, safety and welfare, to provide laws and provisions covering the granting of that privilege and its subsequent use, control and regulation to the end that the public shall be properly protected against unprofessional, improper, unauthorized and unqualified practice . . .” See K.S.A. 65-2801. The presiding officer further finds that, in addition to the facts and law referenced above, the policy consideration of the Board’s duty of public protection provide supplemental reasonable grounds in law and policy to justify the requested emergency suspension under the circumstances of this case.
4. Therefore, pursuant to K.S.A. 65-2838(c) and K.S.A. 77-536(b), Licensee’s license to practice physical therapy is immediately temporarily suspended pending further proceedings and/or further Order of the Board.

IT IS, THEREFORE, ORDERED that the Motion is **SUSTAINED**. The physical therapy license of Kaylie Pearce, P.T., is hereby **SUSPENDED** on a temporary basis pending further proceedings and/or further Order of the Board.

IT IS SO ORDERED this 25th day of September 2020.

KANSAS STATE BOARD OF HEALING ARTS

/s/ Tucker Poling, KS#23266
Acting Executor Director

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing **Emergency Order of Temporary Suspension and Emergency Hearings** was served this 25th day of September 2020 by depositing the same in the United States Mail, first-class postage prepaid, and via email addressed to:

Kaylie Pearce
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Licensee

A copy was hand delivered to:

Matt Gaus
Associate Litigation Counsels
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

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

Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612



Jennifer Cook, Paralegal

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