

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

In the Matter of

KARLA DEANE PETER, P.T.
Kansas License No. 11-02214

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Docket No. 12-HA00038

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Associate Litigation Counsel, Lori D. Dougherty ("Petitioner"), and Licensee-Respondent Karla Deane Peter, P.T. ("Licensee"), and move the Board for approval of a Consent Order affecting Licensee's license to practice as a physical therapist in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address as provided to the Board is: confidential
Lyons, KS 67554.
2. Licensee is or has been entitled to engage in practice as a physical therapist in the State of Kansas, having been issued License No. 11-02214 on approximately October 14, 1995, and having last renewed such license on approximately December 28, 2010. Licensee's license is active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice of a physical therapist. K.S.A. 65-2901 *et seq.* and K.S.A. 65-2911(a).
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A. 77-505 and 65-2838. Upon approval, these stipulations shall constitute the findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Physical Therapist Licensure Act is constitutional on its face and as applied in the case. Licensee agrees that in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
6. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
7. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
8. The Board has grounds to believe that on or about September 2, 2010, a physical therapy patient slipped and fell on a wet floor in the therapy pool area, sustaining a fractured femur.

- a. confidential
- b. Licensee failed to adequately supervise the CPTA(s) working with the patient.
- c. Licensee failed to maintain adequate documentation detailing the evaluation, plan, and post-fall examination.

9. Licensee consents to a finding that there are grounds for the Board to pursue disciplinary action against her license.
10. Licensee's acts, if proven, constitute unprofessional conduct as set forth in K.S.A. 65-2912:
 - a. Licensee has violated K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(6), in that Licensee failed to provide adequate supervision to a physical therapist assistant or other person who performs services pursuant to delegation by a physical therapist;
 - b. Licensee has violated K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(22), in that Licensee has failed to maintain adequate written records detailing the course of treatment of the patient or client;
11. Pursuant to K.S.A. 65-2901, the Board may revoke, suspend, limit, or censure Licensee's license.
12. According to K.S.A. 65-2838(b), the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.
13. All pending investigation materials regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 26 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
14. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action on her license to engage in the practice of a physical therapist:

RECORD KEEPING COURSE

- a. Licensee agrees to attend and successfully complete a record-keeping course, at Licensee's expense.
- b. Licensee agrees to provide proof of successful completion to the Board on or before December 17, 2011.
- c. The Board appoints Gary Counselman, D.C. to approve/disapprove of all education courses proposed by Licensee.
- d. All correspondence to the Board regarding the above education course will be provided to Compliance Coordinator: 800 SW Jackson Ave, Lower Level, Suite A, Topeka, KS 66612.

SUPERVISION COURSE

- a. Licensee agrees to attend and successfully complete a Physical Therapy Supervision course, at Licensee's expense.
 - b. Licensee agrees to provide proof of successful completion to the Board on or before December 17, 2011.
 - c. The Board appoints Gary Counselman, D.C. to approve/disapprove of all education courses proposed by Licensee.
 - d. All correspondence to the Board regarding the above education course will be provided to Compliance Coordinator: 800 SW Jackson, Lower Level Suite A, Topeka, KS 66612.
15. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by

law, including but not limited to suspension or revocation of Licensee's license to practice as a physical therapist in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on her own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Physical Therapist Licensure Act, K.S.A. 65-2901 *et seq.*

16. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Physical Therapist Licensure Act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 *et seq.*, that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the Kansas Physical Therapist Licensure Act.
17. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively referred to as "Releasees," from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Judicial Review Act, K.S.A. 77-601 *et seq.*, arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or

unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

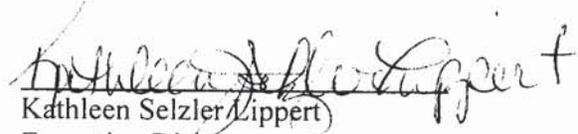
18. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any reporting entities authorized to receive disclosure of the Consent Order.
19. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.
20. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.
21. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.
22. Licensee acknowledges that she has read this Consent Order and fully understands the contents.

23. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
24. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Compliance Coordinator, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.
25. Licensee shall obey all federal, state and local laws and rules governing the practice of a physical therapist in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.
26. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.
27. This Consent Order constitutes disciplinary action.
28. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS SO ORDERED on this 27 day of October, 2011.

**FOR THE KANSAS STATE BOARD OF
HEALING ARTS:**


Kathleen Selzler Lippert
Executive Director

10/27/11
Date


Karla Peter, P.T.
Licensee

8/1/11
Date

PREPARED AND APPROVED BY:

14 Lori D. Dougherty #22696 Q.66.C HANDS # 227100
15 Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Ave
Lower Level, Suite A
Topeka, KS 66612
785-368-8212
785-368-8210 Fax

CERTIFICATE OF SERVICE

I, _____, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 21st day of October, 2011, to the following:

Karla Peter, P.T.
Licensee
confidential
Lyons, Kansas 67554

And the original was hand-filed with:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson Ave
Lower Level, Suite A
Topeka, KS 66612

And a copy was hand-delivered to:

Lori D. Dougherty
Associate Litigation Counsel
Compliance Coordinator
Kansas State Board of Healing Arts
Kansas State Board of Healing Arts
800 SW Jackson Ave
Lower Level, Suite A
Topeka, KS 66612

