

FILED

JUL 14 2011

KS State Board of Healing Arts

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

In the Matter of

MARY S. RUHLMAN, PT

Kansas License No. 11-03603

KSBHA Docket No. 11-HA00108

**FINAL ORDER AND JOURNAL ENTRY OF SATISFACTION
OF FINE ASSESSED IN SUMMARY ORDER**

1. Mary S. Ruhlman, PT ("Licensee") has, since approximately June 12, 2006, maintained License No. 11-03603 to engage in the practice of physical therapy in the State of Kansas.

2. Licensee's last known mailing address of record to the Board is: confidential Avenue, Prairie Village, Kansas 66208.

3. On May 25, 2011, Executive Director Selzler Lippert, in accordance with K.S.A. 2010 Supp. 77-514, and as authorized by K.S.A. 2010 Supp. 65-5510, issued a Summary Order assessing a fine of \$150.00 against Licensee for violation of K.A.R. 100-29-12 of the Physical Therapy Practice Act and regulations promulgated thereunder.

4. Pursuant to K.S.A. 77-542, the Summary Order notified Licensee that if a written request for hearing was not filed within 15 days following service of the Summary Order, the Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.

5. Pursuant to K.S.A. 2010 Supp. 77-531, the Summary Order was served upon Licensee by mailing a copy of the Summary Order to Licensee at Licensee's last known addresses of record, via United States Mail, first-class postage prepaid.

6. No hearing has been requested by any party.
7. On or about June 9, 2011, Licensee remitted payment in the amount of \$150.00 to the Board for satisfaction of the civil fine assessed by the Summary Order in this matter.
8. Pursuant to K.S.A. 77-530, the Summary Order became effective as a Final Order without further notice on June 13, 2011.

II. Applicable Law

1. Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.*
2. Physical Therapy Practice Act, K.S.A. 65-2901, *et seq.*
3. K.A.R. 100-29-12, Unprofessional Conduct.

III. Public Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

Recognizing that the practice of the healing arts 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 of the healing arts and from unprofessional conduct by persons licensed to practice under this act.

IV. Conclusions of Law

1. The Board has jurisdiction over Licensee.
2. The Summary Order filed in this matter on May 25, 2011 became effective as a Final Order on June 13, 2011.
3. Pursuant to K.A.R. 100-29-12, Licensee has engaged in unprofessional conduct.
4. Licensee has satisfied all requirements of the Summary Order.

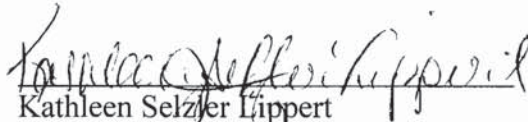
V. Order

IT IS THEREFORE ORDERED that the Summary Order filed in the above-captioned matter has become a Final Order.


IT IS FURTHER ORDERED that Licensee has satisfied all terms and conditions of the Summary Order and that the violation set forth in the Summary Order shall be deemed resolved without entry of further order.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 17th DAY OF JULY, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzer Lippert
Executive Director
Kansas State Board of Healing Arts

Prepared and Approved by:


Randy E. Stookey, #21885
Assistant General Counsel
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. Service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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, Kansas State Board of Healing Arts, hereby certify that I served a copy of the above and foregoing **Final Order and Journal Entry of Satisfaction of Fine Assessed in Summary Order** by depositing the same in the United States mail, postage prepaid, on this 14th day of July, 2011, addressed to:

Mary S. Ruhlman, PT
confidential

Prairie Village, KS 66208

and a copy was hand-delivered to:

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

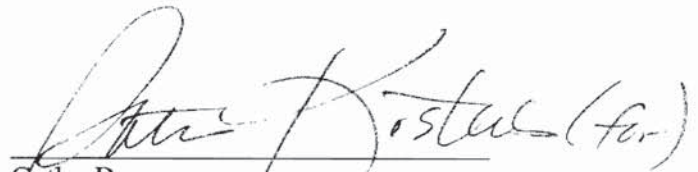
Joshana L. Offenbach
Associate Disciplinary Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

and an electronic courtesy copy was sent to:

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
mowens@ksbha.ks.gov

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

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


Cathy Brown
Executive Assistant

MAY 25 2011

KS State Board of Healing Arts

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

**In the Matter of
MARY S. RUHLMAN, PT**

Kansas License No. 11-03603

Docket No. 11-HA 00108

SUMMARY ORDER

NOW ON THIS 25th day of May 2011, 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:

1. Mary S. Ruhlman, PT. ("Licensee") was originally issued license number 11-00098 to practice physical therapy in the state of Kansas on June 12, 2006. Licensee's license is active, having last been renewed on or about January 2, 2011.
2. Licensee's last known mailing address, as provided to the Board at the time of her renewal is confidential Prairie Village, Kansas 66208.
3. Licensee's license designation was inactive from approximately January 1, 2010 to approximately August 11, 2010.

4. Licensee's online renewal application stated an inactive license designation does not allow the holder to provide professional services in Kansas.
5. On or about August 11, 2010, the Board received a letter from Licensee stating she had practiced in Kansas with an inactive license designation.
6. On or about August 19, 2010, the Board received a complaint form filled out by an employee of Geniva Health Services stating Licensee had practiced multiple times in Kansas with an inactive license designation.
7. On or about August 24, 2010, the Board opened an investigation concerning Licensee's working for Gentiva Health Services at various places in Kansas with an inactive license designation.
8. An inactive license designation does not entitle the licensee to render professional services as a physical therapist in Kansas.
9. An inactive license shall not entitle the holder to render professional services as a physical therapist
10. All pending investigation materials were fully reviewed and presented to the Board's Disciplinary Panel No. 25. The Disciplinary Panel authorized and directed the issuance of this Summary Order.

Applicable Law

11. K.S.A. 65-2912 states in relevant part: **65-2912. Grounds for refusal, suspension, revocation or limitation of license or certificate; censure; hearing procedure.** (a) The board may refuse to grant a license to any physical therapist or a certificate to any physical therapist assistant, or may suspend or revoke the license of any licensed physical therapist or certificate of any certified physical therapist assistant, or may limit the license of any licensed physical therapist or certificate of any certified physical therapist assistant or may censure a licensed physical therapist or certified physical therapist assistant for any of the following grounds:

(5) unprofessional conduct as defined by rules and regulations adopted by the board;

12. K.A.R. 100-29-12 states in relevant part: **Unprofessional conduct.** (a) "Unprofessional conduct" means any of the following:

(18) Conduct likely to deceive, defraud or harm the public;

13. K.S.A. 65-2910 states in relevant part: **Renewal of license or certification; renewal requirements; expiration notice; fees; cancellation; reinstatement; inactive license.** (e)(1) There is hereby created the designation of inactive license. The board is authorized to issue an inactive license to any physical therapist who makes written application for a license as a physical therapist on a form provided by the board and remits the fee established pursuant to K.S.A. 65-2911, and amendments thereto. The board may issue an inactive license only to a person who meets all the requirements for a license to practice as a physical therapist and who does not actively practice as a physical therapist in this state. An inactive license shall not entitle the holder to render professional services as a physical therapist. The provisions of subsections (c) and (d) relating to expiration, renewal and reinstatement of a license shall be applicable to an inactive license issued under this subsection. Each inactive licensee may apply to engage in active practice by providing to the board proof that a policy of professional liability insurance will be maintained in compliance with K.S.A. 2009 Supp. 65-2920, and amendments thereto, and rules and regulations adopted by the board.

14. K.S.A. 65-2916 states in relevant part: **Penalties for violations of act; injunctive relief.** (c) The board, in addition to any other penalty prescribed under the provisions of article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto, may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for a violation of the provisions of article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation.

Conclusions of Law

13. The Board has jurisdiction over Licensee.

14. Pursuant to K.S.A. 65-2910(e)(1), Licensee was prohibited from actively practicing physical therapy in the state of Kansas.

15. Pursuant to K.A.R. 100-29-12, Licensee has engaged in unprofessional conduct by practicing without the proper license designation.

16. Based on the facts and circumstances set forth herein, it appears 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 the law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Mary S. Ruhlman, PT.

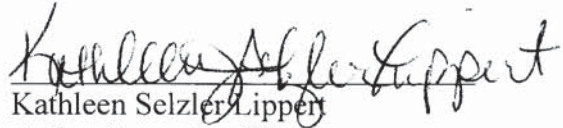
IT IS, THEREFORE, ORDERED that Licensee is FINED \$150.00 for violating the Physical Therapy Act. Such fine is due and payable in full to the “Kansas State Board of Healing Arts” within thirty 30 days of the effective date of the Summary Order. Attention: Compliance Coordinator Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

PLEASE TAKE NOTICE that this is a Summary Order. A party to whom a Summary Order is issued may file a written request for a hearing pursuant to K.S.A. 77-542 within fifteen (15) days following service of the Summary Order. Such written request shall also state the legal and/or factual basis upon which the party opposes this Order. If a hearing is not requested, the Summary Order shall become effective as a Final Order of the Board upon expiration of the time for requesting a hearing. A written request for hearing must be addressed and mailed to Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, KS 66612.

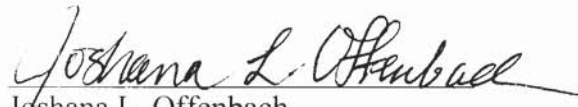
PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 25th day of May, 2011.

Kansas State Board of Healing Arts


Kathleen Selzler Lippert
Acting Executive Director

PREPARED BY:


Joshana L. Offenbach,
Associate Disciplinary Counsel

CERTIFICATE OF SERVICE

I Cathy Brown certify that the foregoing SUMMARY ORDER was served this 25th day of May, 2011, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Mary S. Ruhlman, PT
confidential
Prairie Village, Kansas 66208

and a copy was hand-delivered to:

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

Joshana L. Offenbach
Associate Disciplinary 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:

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

Cathy A. Brown