

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

**KS State Board of Healing Arts**

In the Matter of )  
 )  
Lynn M Sestak, P.T. ) Docket Number: 13-HA00087  
License No. 11-02515 )  
\_\_\_\_\_ )

**FINAL ORDER AND JOURNAL ENTRY OF SATISFACTION**

COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through its Executive Director, Kathleen Selzler Lippert (“Executive Director”), a duly authorized representative of the Board in accordance with K.S.A 2010 Supp. 77-514 to conduct summary proceedings pursuant to K.S.A 2010 Supp. 77-537, and, pursuant to the authority in 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.*, hereby enters the following findings of fact, conclusions of law, and Final Order in the above-captioned matter:

1. Lynn M Sestak, P.T. (“Licensee”), **Confidential** Lake Quivira, Kansas, 66217, is licensed to practice as a physical therapist in the State of Kansas, License No. 11-02515, and has been licensed to do so since October 18, 1997.
2. On June 25, 2013, the Executive Director issued a Summary Order regarding Licensee’s license to practice as a physical therapist in the State of Kansas.
3. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing was requested, the Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.
4. Licensee did not request a hearing.
5. The Summary Order contained a provision assessing a CIVIL FINE against

Licensee in the amount of \$100.00 due on or before July 30, 2013.

6. The Summary Order ordered Licensee to submit proof of 80 hours of continuing education, due within 90 days of the effective date of the Summary Order.

7. The Summary Order provided that Licensee's license shall be suspended for failure to pay the \$100.00 civil fine on or before July 30, 2013.

8. The Summary Order provided that Licensee's license shall be suspended for failure to provide documented evidence of 80 continuing education hours within 90 days of the effective date of the Summary Order.

9. On June 6, 2013, Licensee remitted \$100.00 to the Board for satisfaction of the civil fine.

10. On June 6, 2013, Licensee submitted proof of the required hours of continuing education to the Board for satisfaction of the Summary Order.

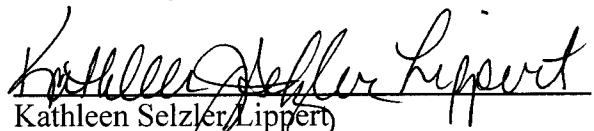
**IT IS, HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:**

11. The Summary Order became effective as a Final Order on July 10, 2013.

12. Licensee has satisfied the provision of the Summary Order requiring payment of the civil fine.

13. Licensee has satisfied the provision of the Summary Order requiring submission of the specified continuing education hours.

**IT IS SO ORDERED THIS 12 DAY OF July, 2013, 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, Kansas 66612.

**CERTIFICATE OF SERVICE**

I do hereby certify that on the 12<sup>th</sup> day of July, 2013, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Lynn M Sestak PT  
**Confidential**  
Lake Quivira, KS 66217

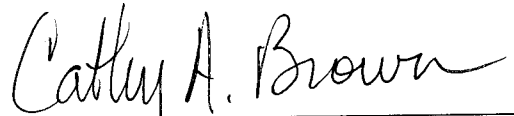
Courtesy Copy provided:

Office of the General Council  
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

The original filed with:

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



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Cathy Brown  
Executive Assistant

**FILED** *CAD*  
JUN 25 2013  
KS State Board of Healing Arts

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

In the Matter of )  
 )  
Lynn M Sestak, P.T. )  
License No. 11-02515 )  
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Docket Number: 13-HA00087

**SUMMARY ORDER**

NOW ON THIS 24 day of June, 2013, 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. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

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. Lynn M Sestak, P.T. ("Licensee"), **Confidential** Lake Quivira, KS 66217, is licensed to practice as a physical therapist in the State of Kansas, License No. 11-02515, and has been so licensed since October 18, 1997.

2. Pursuant to K.A.R. 100-29-8, Licensee's license to practice as a physical therapist in the State of Kansas expires on December 31 of each year. On or about December 17, 2012, Licensee submitted an application for licensure renewal.

3. Pursuant to K.S.A. 65-2910 and K.A.R. 100-29-9, as a condition of renewal for each odd-numbered year, each licensee desiring to renew a physical therapy license must have completed at least forty (40) contact hours of continuing education within the preceding two-year period. Each licensee shall provide proof of satisfactory completion of the continuing education requirements to the Board upon request.

4. As part of the renewal process, Licensee certified that the rules regarding the continuing education requirements and the Board's procedures for auditing continuing education compliance had been read. Licensee further certified that the completion of at least forty (40) contact hours of continuing education had been achieved within the preceding two-year period and that documentation of the completed continuing education would be maintained for a three-year period and produced to the Board upon request.

5. Pursuant to K.S.A. 65-2920 and K.A.R. 100-29-15, as a condition of renewal each licensee desiring to renew a physical therapy license must have professional liability insurance. Each licensee shall provide proof of malpractice liability insurance requirement to the Board upon request.

6. As part of the renewal process, Licensee certified that the rules regarding the professional liability insurance and the Board's procedures for auditing of professional liability insurance had been read. Licensee further certified that the professional liability insurance would be maintained for a three (3) year period and produced to the Board upon request.

7. Licensee was randomly selected to provide verification of compliance with the continuing education requirements.

8. On or about March 11, 2013, a letter was mailed to Licensee requesting that Licensee provide, no later than April 12, 2013, the records relied upon when Licensee certified completion of the required continuing education.

9. A second notice was sent to the Licensee by certified mail on or about April 29, 2013 requesting that Licensee provide, no later than May 17, 2013, the records relied upon when Licensee certified completion of the required continuing education.

10. The certified second notice was signed for by the Licensee on April 30, 2013.

11. On or about May 9, 2013 Licensee informed the Board that she did not have the required hours, due to a miss understanding of the Inactive license type. She submitted her education plan to get the hours beginning on May 15 2013 and to be completed July 5, 2013.

12. Licensee failed to comply with the Board's request to provide documented evidence of professional liability insurance requirement by the deadline.

**THE BOARD HEREBY CONCLUDES AS FOLLOWS:**

13. By failing to provide documented evidence of completion of the continuing education requirements, Licensee violated K.S.A. 65-2912(a)(5) by committing an act of unprofessional conduct as defined by K.A.R. 100-29-12(a)(7); specifically, failing to furnish to the Board, or its investigators or representatives, any information legally requested by the Board.

14. By failing to provide documented evidence of completion of the professional liability insurance requirement, Licensee violated K.S.A. 65-2912(a)(5) by committing an act of unprofessional conduct as defined by K.A.R. 100-29-12(a)(7); specifically, failing to furnish to the Board, or its investigators or representatives, any information legally requested by the Board.

15. In addition to any other penalty prescribed under the Physical Therapy Practice Act, K.S.A. 65-2916(c) authorizes the Board to assess a civil fine in an amount not exceeding \$5,000 for the first violation of the Physical Therapy Practice Act.

**IT IS, HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:**

16. Licensee is hereby assessed a CIVIL FINE for failure to comply with the Board's legal request for information.

17. Licensee is hereby ordered to pay the assessed CIVIL FINE pursuant to K.S.A. 65-2916(c) in the amount of **\$100.00**. The total amount of **\$100.00** shall be due on or before July 30, 2013.

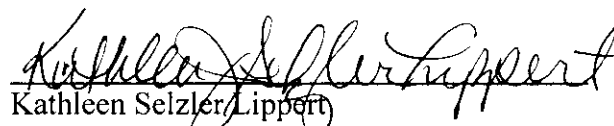
18. Licensee shall make all payments payable to the Kansas State Board of Healing Arts and send all payments to the attention of: Licensing Audit Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

19. Licensee shall complete 80 hours of continuing education and submit proof of completion to the Board within 90 days following service of this Summary Order.

20. Licensee's license shall be suspended for failure to provide proof of the continuing education requirements, and/or proof of the professional liability insurance and/or payment of the fine within the timeframe specified above.

21. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 24 DAY OF June, 2013, 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**  
(Pursuant to K.S.A. 77-542)

Licensee is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Licensee desires a hearing, Licensee must file a written request for a hearing with:

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



This request must be filed within fifteen (15) days from the date of service of this Order. If Licensee requests a hearing, the Kansas State Board of Healing Arts will notify the Licensee of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. In the event Licensee files a petition for judicial review, pursuant to K.S.A. 77-613(e), the agency officer to be served on behalf of the Kansas State Board of Healing Arts is:

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

**CERTIFICATE OF SERVICE**

I, do hereby certify that on the 25<sup>th</sup> day of June, 2013, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Lynn M Sestak PT  
**Confidential**  
Lake Quivira, KS 66217

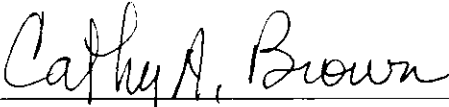
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The original filed with:

Kathleen Selzler Lippert  
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Kansas State Board of Healing Arts  
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Cathy Brown  
Executive Assistant