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KS State Board of Healing Arts

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

**In the Matter of
VANDANA SHARMA, P.T.A.**

**Application for Physical
Therapy Assistant Certificate**

KSBHA Docket No. 22-HA00004

FINAL ORDER

On October 8, 2021, the Kansas State Board of Healing Arts (“Board” or “KSBHA”) held an electronic virtual conference hearing to consider the Application of Vandana Sharma, P.T.A. (“Ms. Sharma” or “Applicant”) for a Kansas Physical Therapist Assistant (“PTA”) certificate. Ms. Sharma appeared *pro se* by video. There were no recusals.

Under the authority granted to the Board by the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act, (“KAPA”), K.S.A. 77-501 *et seq.*, the Board enters this Final Order. After reviewing the agency record, hearing the testimony of the Applicant, and being duly advised in the premises, the Board makes the following findings, conclusions, and orders.

PROCEDURAL HISTORY

On or about January 12, 2021, Ms. Sharma submitted an application to the Board to practice as a physical therapist assistant in Kansas. That application was deemed complete and filed with the Board on July 8, 2021.

On August 13, 2021, the Board convened a Conference Hearing in this matter regarding Ms. Sharma’s application. By motion of the Board, Ms. Sharma’s application was forwarded to the Board’s Physical Therapy Advisory Council (“PT Council”) for review and evaluation of the application and educational information. Accordingly, the Conference Hearing was continued.

A Notice of Hearing was filed and served on September 14, 2021, and September 27, 2021, setting the continued Conference Hearing regarding Applicant’s application for licensure. No objection to the Notice of Hearing was filed.¹

¹ In advance of the oral arguments, the Board was provided the entire agency record to facilitate a comprehensive understanding of the underlying matter, including all exhibits, briefs, and motions filed by the parties in advance of oral arguments. The entire agency record was considered by the Board in rendering its decision.

FINDINGS OF FACT

1. On or about November 13, 2020, Ms. Sharma obtained a New York PTA license.
2. Despite having a New York PTA license, Ms. Sharma has never worked there as a physical therapist assistant.
3. On or about January 12, 2021, Ms. Sharma applied for a Kansas PTA certificate.
4. In 2011, Ms. Sharma completed her PTA education at Beehive College of Advance Studies ("Beehive College") in Dehradun, Uttarakhand, India.
5. Ms. Sharma graduated from Beehive College with a Bachelor of Physiotherapy degree.
6. Beehive College is not on the list of KSBHA approved PTA educational programs.
7. If not on the list of Board approved PTA educational programs, the applicant shall submit an evaluation of their educational program from a KSBHA approved credentialing agency.
8. Ms. Sharma submitted an evaluation from the Foreign Credentialing Commission on Physical Therapy ("FCCPT").
9. The FCCPT reported Ms. Sharma's education was deficient in Humanities, Data Collection, Intervention Content, and Related Technical Course Work.
10. The Application materials were reviewed by the PT Council on September 2, 2021. The PT Council recommended that: (1) Ms. Sharma complete additional education course work in the four areas reported by the FCCPT as deficient; (2) Upon successful completion, to the FCCPT's satisfaction, of these additional education requirements Ms. Sharma should be granted a Kansas PTA certificate; and (3) All physical therapists supervising Ms. Sharma's work as a PTA shall submit monthly written monitoring reports to the Board documenting Ms. Sharma's compliance with the same for six months.

APPLICABLE LAW

K.S.A. 65-2801 states the purpose of the Kansas Healing Arts Act:

"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."

K.S.A. 65-2906(b): “An applicant applying...for a certificate as a physical therapist assistant shall file a written application on forms provided by the board, showing to the satisfaction of the board that the applicant meets the following requirements:

(2) the applicant has successfully completed the academic requirements of an educational program in physical therapy approved by the board which is appropriate for the certification or licensure of the applicant, or if the applicant attended a program not approved by the board, the applicant shall present an evaluation by an entity approved by the board showing that applicant’s educational program met the criteria a school must satisfy to be approved by the board...”

K.A.R. 100-29-2(b): “An educational program for certification as a physical therapist assistant shall be recognized by the board if the program meets the “evaluative criteria for accreditation of educational programs for the preparation of physical therapy assistants,” adopted November 1, 2000 by the commission on accreditation in physical therapy education and hereby adopted by reference.”

K.A.R. 100-29-3 requires applicants for a PTA certificate that were trained at a nonapproved school to provide an evaluation of their educational credits by a Board approved credentialing agency – here, the FCCPT.

K.A.R. 100-29-3(b): “If the evaluation shows that the applicant’s educational program did not meet the criteria that a school is required to satisfy to be approved by the board, the applicant may be required by the board, with the advice of the physical therapy advisory council, to perform one the following:

- (1) Complete college courses in the areas that did not meet the required criteria with a grade average of at least “B” or its equivalent; or
- (2) apply college-level examination program scores towards semester credit for the courses specified by the board.”

CONCLUSIONS OF LAW

A Bachelor of Physiotherapy at Beehive College in Dehradun, Uttarakhand, India is not recognized by the Board as an approved physical therapist assistant school under K.A.R. 100-29-2(b). Accordingly, Ms. Sharma was required to present an evaluation of her education to the FCCPT. *See* K.S.A. 65-2906(b)(2) and K.A.R. 100-29-3(a). As Ms. Sharma’s evaluation showed that her educational program did not meet the criteria that a school is required to satisfy to be approved by the board in four areas, upon advice from the PT council, she can be required to perform: (1) college courses in the areas that did not meet the required criteria with a grade average of at least “B”, or its equivalent as approved by the Board; or (2) apply college-level examination program scores towards semester credit for the courses specified by the board. *See* K.A.R. 100-29-3(b)(1)-(2).

The Board reviewed Ms. Sharma's application for a Kansas PTA certificate. The Board finds that to establish the present ability to practice with reasonable skill and safety Ms. Sharma must complete additional education course work in each of the four areas reported by the FCCPT as deficient prior to receiving her certificate, and upon receiving her certificate be subject to practice monitoring by her supervising physical therapist for at least six months.

ORDERS

Education

Prior to receiving a PTA certificate to practice in Kansas, Ms. Sharma shall complete with a grade average of at least a "B", college courses in the following areas, or its substantial equivalent as approved by the Board:

1. Humanities – English Composition;
2. Data Collection - Assistive and Adaptive Devices, and Pain;
3. Intervention Content – Functional Training (Assistive/Adaptive Devices, Wheelchair Management Skills, and Isolation Techniques), Physical Agents and Mechanical Modalities, and Compression Therapies; and
4. Related Technical Course Work – Role of the PTA.

Certificate and Monitoring

Upon successful completion of the educational requirements contained in this order, Applicant shall be granted a Kansas physical therapist assistant certificate subject to a practice monitor for a term of at least six months.

Such practice monitor shall be Ms. Sharma's supervising physical therapist. Ms. Sharma shall notify the Board of her supervising physical therapist who is also willing to serve as her practice monitor within five days.

The Practice Monitor shall submit monthly reports to the Board on the last day of each month. In these reports, the Practice Monitor must discuss Applicant's skill level and any recommendations for improvement. In the event the Practice Monitor recommends an area of improvement regarding Applicant's skill set, Applicant must timely follow those recommendations.

The Practice Monitor provision is not self-terminating. After a period of six months of monitoring, Applicant may request modification or termination of this provision. For any period of time Applicant is not actively practicing as a physical therapist assistant in Kansas, the monitoring provision will remain in effect, but will be tolled and not counted towards reducing the six-month time frame.

Miscellaneous Provisions

Unless otherwise specified, Applicant shall provide proof of successful completion of any requirement of this order within 30 days of completing the requirement.

All costs associated with complying with this Final Order shall be the Applicant's.

Proof of successful completion and all documentation and correspondence associated with this Final Order's requirements shall be submitted by to:

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

IT IS SO ORDERED this 8th day of November 2021.

KANSAS STATE BOARD OF HEALING ARTS

Susan Gile

Susan Gile
Interim Executive Director
Kansas State Board of Healing Arts

NOTICE OF APPEAL RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Under K.S.A. 77-529, parties 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 Susan Gile, Interim Executive Director, Kansas State 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 and correct copy of the **FINAL ORDER** was served on this 6th day of November 2021, by depositing the same in the United States Mail, first-class, postage prepaid, and via email addressed to:

Vandana Sharma, P.T.A.
CONFIDENTIAL

Applicant

And a copy was delivered to:

Compliance Coordinator
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

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



Jennifer Cook
Paralegal