

EFFECTIVE AS A FINAL ORDER

DATE: 7-17-19

FILED *File*
JUN 24 2019

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)
)
Patricia Shelton, P.T.A.)
Kansas Certification No. 14-00926)
_____)

KSBHA Docket No. 19 -HA 00105

SUMMARY ORDER

NOW ON THIS 24th day of June 2019, 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 a 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:

Findings of Fact

1. Patricia Shelton, P.T.A. ("Licensee") was originally issued certification number 14-00926 to practice as a physical therapy assistant in the State of Kansas on or about October 14, 1995. Licensee's current license designation is Active, and such license was last renewed on or about January 31, 2019.
2. Licensee's last known mailing address as provided to the Board is: 

3. On or about January 14, 2018 Licensee applied for renewal of her license to practice as a physical therapy assistant in the State of Kansas.

4. On that renewal application Licensee indicated that of the required 20 hours of continuing education required of her for the period between January 1, 2017 and December 31, 2018 she had completed only eight.
5. On or about December 27, 2018 Licensee submitted to the Board a written request for an extension of six months to obtain the remaining required 12 continuing education credits, citing a series of family illnesses and other personal circumstances as factors preventing her from obtaining the required continuing education within the prescribed period.
6. On or about January 4, 2019, the Board's Licensing Administrator granted Licensee an extension of time to complete the required continuing education (as authorized by K.A.R. 100-29-9(b)), telling Licensee that she must provide the Board proof of the completed hours no later than June 4, 2019.
7. Licensee did not provide the Board proof of the completed hours by June 4, 2019.
8. On or about June 10, 2019, Board staff contacted Licensee via email informing Licensee that proof of her completed continuing education had not been received by the Board and gave a final deadline of June 12, 2019.
9. On or about June 11, 2019 Licensee replied to that email stating that she had been forced to accept early retirement due to "family issues," and that she would not be renewing her license in the coming year. Licensee did not provide any information regarding the status of her incomplete continuing education from the previous year.
10. Licensee did not provide the Board proof of the completed hours by June 12, 2019.
11. Licensee still has not provided any proof of successful completion of continuing education hours for the period between January 1, 2017 and December 31, 2018.

Applicable Law

12. K.S.A. 65-2910(b) of the Physical Therapy Practice Act states in pertinent part that each “certified physical therapist assistant as a condition of renewal [must] submit with the application for a renewal evidence of satisfactory completion of a program of continuing education required by the board. The board shall establish the requirements for each such program of continuing education by rules and regulations. “

13. K.A.R. 100-29-9(a)(1)(A) states in pertinent part each “physical therapist assistant shall submit, in addition to the annual application for renewal of licensure or certification, evidence of satisfactory completion within the preceding two-year period of . . . at least 20 contact hours of continuing education.”

14. K.S.A. 65-2912(a) of the Physical Therapy Practice Act states in pertinent part:

The board may suspend or revoke the license of . . . any certified physical therapist assistant, or may limit the . . . certificate of any certified physical therapist assistant or may censure a . . . certified physical therapist assistant for any of the following grounds:

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

15. K.A.R. 100-29-12(a) defines “unprofessional conduct” in pertinent part as “(26) violating any regulations adopted by the board relating to the practice of physical therapy”

16. K.S.A. 65-2916(c) of the Physical Therapy Practice Act states in pertinent part:

The board . . . 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 [i.e., the Physical Therapy Practice Act], and acts amendatory of the provisions thereof or supplemental thereto, in an amount not to exceed \$5,000 for the first violation

Conclusions of Law

15. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

16. The Board finds that Licensee violated K.S.A. 65-2912(a) in that Licensee committed and act of unprofessional conduct. Specifically, Licensee committed unprofessional conduct by violating a regulation adopted by the Board relating to the practice of physical therapy by failing to provide satisfactory proof of completion of 20 physical therapy hours during the period from January 1, 2017 through December 31, 2018, as required by K.A.R. 100-29-9(a)(1)(A).

17. Based on the facts and circumstances set forth herein, it appears that 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 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.

IT IS THEREFORE ORDERED that Licensee is **INDEFINITELY SUSPENDED** from practice as a physical therapy assistant until such time as she provides to the Board proof of successful completion of the 20 continuing education hours as required pursuant to K.S.A. 65-2910(b) and K.A.R. 100-29-9(a)(1)(A).

IT IS THEREFORE ORDERED, that Licensee shall complete the remaining 12 continuing education hours required under the Physical Therapy Practice Act. These hours shall not be counted towards those continuing education hours required for her future renewals of licensure. Licensee shall submit proof of her completion of the 12 hours to the attention of:

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, Kansas 66612

IT IS FURTHER ORDERED that the licensee is hereby assessed a **CIVIL FINE** in the amount of \$100.00 for violation of the Kansas Healing Arts Act. Such fine shall be paid to the “Kansas State Board of Healing Arts”, in full, on or before August 31, 2019. All monetary

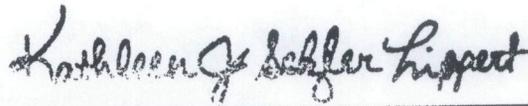
payments, which shall be in the form of check or money order, relating to this Summary Order shall be mailed to the Board certified and addressed to:

Compliance Coordinator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, Kansas 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 24 day of June, 2019.

KANSAS STATE BOARD OF HEALING ARTS



Kathleen Selzler Lippert,
Executive Director

FINAL ORDER 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, Executive Director, Kansas 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 copy of the foregoing **FINAL ORDER** was served this 17th day of July, 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Patricia Shelton, PA

██████████
██████████

Licensee

And a copy was hand-delivered to:

Matthew Gaus, Associate Litigation Counsel
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

Office of the General 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.

Susan Gile

Susan Gile, Operations Manager