

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

**FILED** *CFD*  
MAY 07 2010  
KS State Board of Healing Arts

<b>In the Matter of</b>	)	
<b>Tracy D. Siefken, P.T.A.</b>	)	
	)	
<b>Kansas License No. 14-01578</b>	)	<b>Docket No. 10-HA00128</b>
<hr style="width: 100%;"/>	)	

**FINAL ORDER**

NOW ON THIS 6<sup>th</sup> day of May, 2010, the above-entitled matter comes on before Kathleen Selzler Lippert, Acting Executive Director of the Kansas State Board of Healing Arts. After reviewing the file and being duly advised in the premises, the Acting Executive Director makes the following determinations.

1. On April 14, 2010, the Acting Executive Director issued a Summary Order regarding the license of Tracy D. Siefken, P.T.A. ("Licensee") to practice as a physical therapy assistant in the State of Kansas. The Summary Order contained a provision suspending his license/certificate until such time as the reinstatement fee of \$80 and the return check fee of \$30 are paid.
2. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing is requested, the Summary Order would become effective as a final order of the Board upon expiration of the time for requesting a hearing.
3. No hearing has been requested by any party nor has Licensee submitted the reinstatement fee of \$80 and the return check fee of \$30; therefore the Summary Order became effective as a Final Order on May 3, 2010.

**IT IS SO ORDERED.**

**NOTICE OF RIGHTS**

**PLEASE TAKE NOTICE** that this is a Final Order. Pursuant to K.S.A. 77-601 *et. seq.* a party to whom a Final Order is issued may petition for judicial review of this Final Order. The petition for judicial review must be filed within thirty (30) days of service of this Final Order. In the event a petition for judicial review is filed 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, Acting Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603.

**Dated this 10<sup>th</sup> day of May 2010.**

Kansas State Board of Healing Arts

  
Kathleen Selzler Lippert  
Acting Executive Director

**Certificate of Service**

I certify that the foregoing Final Order was served this 17<sup>th</sup> day of May 2010, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Tracy D. Siefken, P.T.A.  
15901 W. 127<sup>th</sup> Apt. 207  
Olathe, Kansas 66062

Tracy D. Siefken, P.T.A.  
Hallmark Rehab  
6416 Long St.  
Shawnee, Kansas 66216

and a copy was hand-delivered to:

Stacy R. Bond  
Associate Counsel  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

Katy Lenahan  
Licensing Administrator  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

And the original was filed with the office of the Acting Executive Director:

Kathleen Selzler Lippert  
Acting Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603



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Cathy Brown  
Executive Assistant

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BEFORE THE BOARD OF HEALING ARTS  
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of )  
TRACY D. SIEFKEN, P.T.A. )  
 )  
Kansas License No. 14-01578 )  
\_\_\_\_\_ )

Docket No. 10-HA 00128

**SUMMARY ORDER**

NOW ON THIS 14<sup>th</sup> day of April, 2010, this matter comes before Kathleen Selzler Lippert, Acting 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:

**Findings of Fact**

1. Tracy D. Siefken, P.T.A. ("Licensee") was originally issued license, certificate number 14-01578 to practice as a physical therapy assistant in the state of Kansas on June 5, 2001. Licensee's license, certificate is currently active.
2. Licensee's last known mailing address as provided to the Board at the time of his application is 15901 W. 127<sup>th</sup> Apt. 207, Olathe, Kansas 66062 and his last known practice address is Hallmark Rehab, 6416 Long St., Shawnee, Kansas 66216.
3. On or about January 26, 2010, the Board received a reinstatement application from

Licensee for a physical therapy assistant license, certificate. Included as part of the reinstatement process was the requirement of the \$80.00 license, certificate reinstatement fee. Licensee submitted a personal check for \$80.00 for the reinstatement fee.

4. As a result on, Licensee's application was approved and his license, certificate was reinstated.

5. On February 9, 2010, Licensee's personal check was returned for insufficient funds.

6. On March 2, 2010, a letter was sent to Licensee, at both his listed mailing and practice addresses, advising him that his personal check had been returned for insufficient funds and that he needed to remit a cashiers check or money order by March 12, 2010 for \$110.00. This was to cover the license/certificate reinstatement fee and the \$30 returned check charge. The letter sent to Licensee's practice address was returned to the Board as "not deliverable as addressed." The letter sent to Licensee's mailing address was returned to the Board as "unclaimed", as this letter was sent certified.

7. On March 25, 2010, a second letter was sent certified to Licensee at his practice address advising him that his personal check was returned for insufficient funds and to remit payment of \$110.00 for the reinstatement fee and returned check charge no later than April 1, 2010, by cashiers check or money order.

8. This letter was signed for on March 27, 2010, by Ellen Licklider on behalf of Licensee.

9. As of April 12, 2010, Licensee has not remitted his reinstatement fee or the return check charge.

#### **Applicable Law**

10. K.S.A. 65-2910 states, in pertinent part: (a) The license of every licensed physical therapist and the certification of every certified physical therapist assistant shall expire on the date established by rules and regulations of the board which may provide renewal throughout the year on a continuing basis. . . . The request for renewal shall be on a form provided by the board and shall be accompanied by the renewal fee established under K.S.A. 65-2911 and amendments thereto which shall be paid not later than the expiration date of the license or certificate.

11. K.S.A. 65-2911 states, in pertinent part: (a) The board shall charge and collect in advance fees provided for in this act as fixed by the board by rules and regulations, subject to the following limitations:

Reinstatement fee. not more than . . . . \$80

14. K.S.A. 65-2912 states, in pertinent part: (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:

(3) Obtaining or attempting to obtain licensure or certification by fraud of deception;

### **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 by failing to pay the license/certificate reinstatement fee as provided for in K.S.A. 65-2910 and K.S.A. 65-2911.

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 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, Tracy D. Siefken, P.T.A.

**IT IS, THEREFORE, ORDERED** that: Licensee's license, certificate is hereby **SUSPENDED** until such time as the license, certificate reinstatement fee of \$80 and the return check fee of \$30 are paid. Such payment shall be made by cashiers check or money order only.

**NOTICE AND OPPORTUNITY FOR HEARING**

**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 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, Acting Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, KS 66603.

**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 14<sup>+8</sup> day of April 2010.

Kansas State Board of Healing Arts

  
Kathleen Selzler Lippert  
Acting Executive Director

**Certificate of Service**

I certify that the foregoing Summary Order was served this 14<sup>th</sup> day of April, 2010, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Tracy D. Siefken, P.T.A.  
15901 W. 127<sup>th</sup> Apt. 207  
Olathe, Kansas 66062

Tracy D. Siefken, P.T.A.  
Hallmark Rehab  
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Topeka, Kansas 66603

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Kansas State Board of Healing Arts  
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and the original was filed with the office of the Executive Director:

Kathleen Selzler Lippert  
Acting Executive Director  
Kansas State Board of Healing Arts  
235 S. Topeka Blvd.  
Topeka, Kansas 66603

  
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Cathy Brown  
Executive Assistant