

EFFECTIVE AS A FINAL ORDER

DATE: 9-17-19

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

FILED

AUG 26 2019



KS State Board of Healing Arts

In the Matter of
JENNIFER A. TABLER, O.T.

Kansas License No. 17-01973

Docket No. 19-HA00115

SUMMARY ORDER OF INDEFINITE SUSPENSION

NOW ON THIS 26 day of Aug, 2019, this matter comes before the Kansas State Board of Healing Arts ("Board"), the Petition against the license of Jennifer A. Tabler, O.T. (Licensee). in summary proceedings pursuant to K.S.A 77-537.

A protective order is hereby entered for all information confidential under **CONFIDENTIAL**

, K.S.A. 65-4915, K.A.R. 100-54-5(c), and **CONFIDENTIAL**.

Pursuant to K.S.A 77-537 and 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 orders are made on behalf of the Board:

Findings of Fact

1. On August 6, 2019, the Board was notified through email by the Petitioner that parties had agreed to a potential resolution whereby Licensee would agree to an indefinite suspension of her license until such time she could provide clear and convincing evidence that she is safe to return to practice and that she is participating in **CONFIDENTIAL**

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and that such resolution would

incorporate the allegations of the Petition. The email indicated a consent order could not be drafted due to Licensee's availability.

2. On August 7, Licensee notified the Board through email that she had reviewed the August 6th, 2019 email, and that she concurred with its contents. Licensee additionally requested that specific requirements for re-activation of her license be named in the resolution.
3. Licensee is or has been entitled to practice as an Occupational Therapist in the State of Kansas, having been issued License No. 17-01973 on approximately August 14, 2001. Licensee last renewed such license on or about April 30, 2019. Licensee's current license status is Active.
4. At all times relevant to the allegations set forth in the Petition, Licensee held an Active license to practice as an Occupational Therapist in the State of Kansas.
5. On August 23, 2018, Licensee entered into a settlement agreement in the form of a

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 constituted a lawful order or directive of the Board and [REDACTED] against Licensee's license to practice as an Occupational Therapist.
6.

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 resolved concerns regarding Licensee's violations of K.S.A. 65-5410(a), K.A.R. 100-54-5(c), and K.A.R. 100-54-5(o) by committing conduct likely to deceive, defraud, or harm the public; and by committing unprofessional conduct, in that Licensee:
 - a. Disclosed on her March 30, 2016, renewal application she had been arrested and charged with Possession of Methamphetamine, Possession of Paraphernalia, and

Registration Violation in the District Court of Barton County, Kansas, on

December 18, 2015.

- b. On or about May 12, 2016, Licensee entered into a diversion agreement with the District Court of Barton County. She was required to pay costs and fees, **CONFIDENTIAL**

for a period of eighteen (18) months. See Exhibit 3: Diversion Agreement filed May 12, 2016.

- c. During the period of her diversion, Licensee was **CONFIDENTIAL**

- d. **CONFIDENTIAL**

7. On March 26, 2018, Licensee was **CONFIDENTIAL** Board staff.

8. On June 13, 2018, Licensee was **CONFIDENTIAL**

9. **CONFIDENTIAL**

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18. CONFIDENTIAL, she had been off work on medical leave

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due to a motor vehicle accident that occurred on November 28, 2018, which

involved striking a deer.

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19.

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to seek additional employment as an Occupational Therapist [REDACTED] CONFIDENTIAL

[REDACTED] Licensee was also aware that she may not return to practice as an Occupational Therapist until re-evaluated and deemed safe to practice.

23. On April 30, 2019, Licensee renewed her license as active [REDACTED] CONFIDENTIAL

[REDACTED] There is no current restriction on her license that prevents her from returning to active practice at any time.

24. On or about May 23, 2019, Licensee contacted the [REDACTED] CONFIDENTIAL

[REDACTED] be placed on hold until she was able to resume work. She reported that she had been unemployed since February 2019 [REDACTED] CONFIDENTIAL

[REDACTED] CONFIDENTIAL

25. [REDACTED] CONFIDENTIAL

Applicable Law

26. Under K.S.A. 65-2410, a license may be denied, suspended, revoked or limited, or the licensee may be publicly or privately censured upon a finding of the existence of any of the following grounds:

- a. K.S.A. 65-5410(a)(2)- being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;
- b. K.S.A. 65-5410(a)(4)- violating any lawful order or rule and regulation of the board;

- c. K.S.A. 65-5410(a)(5)- violating any provision of the Occupational Therapy Practice Act;
- d. K.A.R. 100-54-5(c)- practicing occupational therapy without reasonable skill and safety [REDACTED] CONFIDENTIAL [REDACTED]
[REDACTED]
[REDACTED] ;
- e. K.A.R. 100-54-5(h)- being sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct that would constitute grounds for denial, refusal to renew, suspension, or revocation of a license under K.S.A. 65-5410 and amendments thereto; and
- f. K.A.R. 100-54-5(o)- committing conduct likely to deceive, defraud, or harm the public.

Conclusions of Law

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

28. The Board finds Licensee's acts and conduct constitute acts in violation of the Occupational Therapy Practice Act as follows:

- a. K.S.A. 65-5410(a)(4), [REDACTED] CONFIDENTIAL [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
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- b. K.S.A. 65-5410(a)(2), in that Licensee has committed an act or acts of unprofessional conduct because her conduct is likely to deceive, defraud or harm the public as set forth in K.A.R. 100-54-5(o);
- c. K.S.A. 65-5410(a)(2), in that Licensee has committed an act or acts of unprofessional being sanctioned or disciplined by a medical care facility for acts or conduct that would constitute grounds for denial refusal to renew, suspension, or revocation of a license under K.S.A. 65-5410 and amendments thereto as set forth in K.A.R. 100-54-5(h);
- d. K.S.A. 65-5410(a)(4), in that Licensee has violated a lawful order or rule and regulation of the board; and
- e. K.S.A. 65-5410(a)(5), in that Licensee has violated a provision of the Occupational Therapy Practice Act.

IT IS, THEREFORE, ORDERED that Licensee's license to practice Occupational Therapy is **INDEFINITELY SUSPENDED** until such time that she provides clear and convincing evidence that she is safe to return to practice.


IT IS FURTHER ORDERED Licensee shall submit to [REDACTED] CONFIDENTIAL and the results thereof shall be timely provided to the Board well in advance of any hearing on any motion or application by Licensee to return to practice. [REDACTED] CONFIDENTIAL

[REDACTED] approved by the Board and any other requirements the Board deems necessary at the time Licensee seeks reinstatement of her license to practice.

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

IT IS SO ORDERED on this 26 day of Aug, 2019.

**FOR THE KANSAS STATE BOARD OF
HEALING ARTS:**


Kathleen Selzler Lippert
Executive Director

8/26/19
Date

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 17 day of Sept., 2019 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Jennifer A. Tabler, OT

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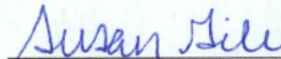
And a copy was hand-delivered to:

Nancy Dodik, Associate Disciplinary 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, Operations Manager