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

KS State Board of Healing Arts

<b>In the Matter of</b>	)	
<b>BRADY L. TERNES, A.T.</b>	)	
	)	<b>KSBHA Docket No. 17-HA00020</b>
<b>Kansas License No. 24-00396</b>	)	
_____	)	

**FINAL ORDER INDEFINITELY SUSPENDING LICENSE**

**NOW** on this 9<sup>th</sup> day of December, 2016, comes on for conference hearing before the Kansas State Board of Healing Arts (“Board”) the Petition for Discipline filed against the athletic trainer license of Brady L. Ternes, A.T. (“Licensee”) in the State of Kansas. Susan Gering, Associate Litigation Counsel, appears on behalf of the Petitioner Board. Licensee appears in person and *pro se*.

Pursuant to the authority granted to the Board by K.S.A. 65-6901 *et seq.*, and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving exhibits into evidence, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is or has been entitled to engage in the practice of athletic training in the State of Kansas, having been issued License No. 24-00396 on approximately March 5, 2003. Licensee’s current license designation is Active.
2. On October 25, 2016, Petitioner filed a Petition for disciplinary action against Licensee’s license alleging that Licensee had violated the Athletic Trainers Licensure Act,

specifically, K.S.A. 65-6911(a)(1), K.S.A. 65-6911(a)(8) and K.S.A. 65-6911(a)(10), as further defined by K.A.R. 100-69-7.

3. The Petition alleged that in November 2015, Licensee self-reported that he worked under the influence of alcohol on September 6, 2015 and on October 30, 2015.

4. The evidence shows that on September 6, 2015, Licensee was providing care and treatment to a student while also supervising staff athletic trainers at Fort Hays State University (“Fort Hays”).

5. The evidence also shows that on October 30, 2015, the Assistant Athletic Trainer at Fort Hays reported that he convinced Licensee to go home after realizing Licensee was impaired. The assistant also found Licensee’s coffee mug smelled of alcohol.

6. On November 2, 2015, Licensee submitted his resignation to the Director of Athletics of Fort Hays, who accepted the resignation.

7. [REDACTED]

[REDACTED]

8. [REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

10. At the conference hearing on this matter, Licensee testified that he did not dispute the material facts alleged in the Petition. Licensee also testified that he had consumed alcohol four or five times since March 2016.

11. The Board concludes that practicing Athletic Training under the influence of alcohol impairs a person's ability to safely and competently provide athletic training services.

12. The Board concludes that Licensee violated K.S.A. 65-6911(a)(1) in that Licensee used drugs or alcohol, or both, to an extent that impairs the individual's ability to engage in athletic training.

13. The Board concludes that Licensee violated K.S.A. 65-6911(a)(8) in that Licensee has negligently or intentionally violated a provision of this act or the rules and regulations adopted under this act.

14. Further, the Board concludes that Licensee violated K.S.A. 65-6911(a)(10), as further defined by K.A.R. 100-69-7, in that Licensee has engaged in athlete training without reasonable skill and safety by reason of illness or any mental or physical condition.

15. In contemplating the appropriate measure of discipline for Licensee's unprofessional conduct, the Board considers its public protection purpose to be of paramount importance. Licensee's acts and conduct put the public at risk.

12. The Board concludes that Licensee's violations warrant an indefinite suspension of his license to practice athletic training in the State of Kansas [REDACTED]

[REDACTED]

[REDACTED]

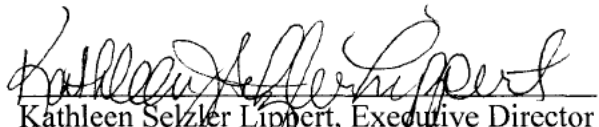
**IT IS THEREFORE ORDERED** that the Board shall maintain jurisdiction over this matter to conduct additional proceedings and issue further order(s) deemed necessary and appropriate in the circumstances.

**IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS** that Licensee's license to practice athletic training is hereby **INDEFINITELY SUSPENDED.**

**IT IS FURTHER ORDERED** that consideration by the Board of any motion by Licensee to terminate the indefinite suspension of his license shall be based on documented evidence [REDACTED]

**IT IS SO ORDERED THIS 5<sup>th</sup> DAY OF JANUARY 2017, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

**KANSAS STATE BOARD OF HEALING ARTS**

  
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, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee 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 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 and correct copy of the above foregoing **FINAL ORDER INDEFINITELY SUSPENDING LICENSE** was served this 6<sup>th</sup> day of January 2017 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Brady L. Ternes, AT  
[REDACTED]  
Salida, CO 81201

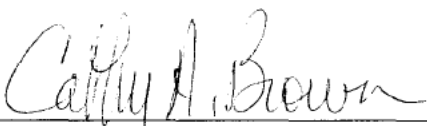
Brady L. Ternes, AT  
[REDACTED]  
Hays, KS 67601

And a copy was delivered to:

Susan Gering, 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

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

  
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Cathy Brown, Executive Assistant