

FILED *CAB*

AUG 18 2011

KS State Board of Healing Arts

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

In the Matter of)
)
Cassandra Vandever, P.T.)
License No. 11-03300)
_____)

Docket Number: *12-HA00020*

SUMMARY ORDER

NOW ON THIS *18th* day of *Aug*, 2011, 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. 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. Cassandra Vandever, P.T. ("Licensee"), *confidential* Parkerfield, KS 67005, is licensed to practice as a physical therapist in the State of Kansas, License No. 11-03300, and has been so licensed since July 24, 2003.

2. Pursuant to K.A.R. 100-29-8, Licensee's license to practice as a physical therapist in the State of Kansas expires on December 31 of each year. On or about December 27, 2010, Licensee submitted an application for licensure renewal.

3. Pursuant to K.S.A. 65-2910 and K.A.R. 100-29-9, as a condition of renewal for each odd-numbered year, each licensee desiring to renew a physical therapy license must have completed at least forty (40) contact hours of continuing education within the preceding two-year

period. Each licensee shall provide proof of satisfactory completion of the continuing education requirements to the Board upon request.

4. Pursuant to K.A.R. 100-29-9 any applicant for renewal who cannot obtain the required continuing education hours may request an extension from the board to submit evidence of completion of their continuing education hours. The request shall include a plan for completion of the continuing education requirements within the requested extension period. An extension of up to six months may be granted by the board for good cause shown.

5. As part of the renewal process, Licensee requested an extension to obtain the required continuing education hours because complications with a pregnancy prevented the Licensee from obtaining the required hours.

6. On or about December 28, 2010, a letter was mailed to the Licensee notifying that the extension was granted and that the Licensee would be required to provide proof of completion of the continuing education hours by July 1, 2011.

7. Proof of completion of the continuing education hours was not received by the July 1, 2011 due date.

8. On or about July 7, 2011, a letter was mailed to Licensee requesting that Licensee provide, no later than July 15, 2011, documented proof that the Licensee completed the required continuing education hours.

9. Proof of completion of the continuing education hours was not received by the July 15, 2011 due date.

10. Licensee failed to comply with the Board's request to provide documented evidence of compliance with the continuing education requirements by the deadline.

Applicable Law

- a. K.S.A. 77-501 *et seq.*

- b. K.S.A. 65-2801 *et seq.*
- c. K.S.A. 65-2901 *et seq.*
- d. K.S.A. 65-2910
- e. K.S.A. 65-2912
- f. K.S.A. 65-2916
- g. K.S.A. 65-2920
- h. K.A.R. 100-29-8
- i. K.A.R. 100-29-9
- j. K.A.R. 100-29-12
- k. K.A.R. 100-29-15

Policy Statement

The public policy of regulating the practice of healing arts in the State of Kansas is set forth in K.S.A. 65-2801:

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.

Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #10, the Applicable Law and the Public Policy Statement set forth above:

THE BOARD HEREBY CONCLUDES AS FOLLOWS:

11. Cassandra Vandever, P.T. ("Licensee"), confidential Parkerfield, KS
67005, is licensed to practice as a physical therapist in the State of Kansas, License No. 11-
03300, and has been so licensed since July 24, 2003.

12. Pursuant to K.A.R. 100-29-8, Licensee's license to practice as a physical therapist in the State of Kansas expires on December 31 of each year. On or about December 27, 2010, Licensee submitted an application for licensure renewal.

13. Pursuant to K.S.A. 65-2910 and K.A.R. 100-29-9, as a condition of renewal for each odd-numbered year, each licensee desiring to renew a physical therapy license must have completed at least forty (40) contact hours of continuing education within the preceding two-year period. Each licensee shall provide proof of satisfactory completion of the continuing education requirements to the Board upon request.

14. As part of the renewal process, Licensee requested an extension to obtain the required continuing education hours.

15. Licensee failed to comply with the Board's request to provide documented evidence of compliance with the continuing education requirements by the deadline.

16. By failing to provide documented evidence of completion of the continuing education requirements, Licensee violated K.S.A. 65-2912(a)(5) by committing an act of unprofessional conduct as defined by K.A.R. 100-29-12(a)(7); specifically, failing to furnish to the Board, or its investigators or representatives, any information legally requested by the Board.

17. In addition to any other penalty prescribed under the Physical Therapy Practice Act, K.S.A. 65-2916(c) authorizes the Board to assess a civil fine in an amount not exceeding \$5,000 for the first violation of the Physical Therapy Practice Act.

IT IS, HEREBY ORDERED BY THE KANSAS STATE BOARD OF HEALING ARTS THAT:

18. Licensee is hereby assessed a CIVIL FINE for failure to comply with the Board's legal request for information.

19. Licensee is hereby ordered to pay the assessed CIVIL FINE pursuant to K.S.A. 65-2916(c) in the amount of \$100.00. The total amount of **\$100.00** shall be due on or before October 8, 2011.

20. Licensee shall make all payments payable to the Kansas State Board of Healing Arts and send all payments to the attention of: Licensing Audit Coordinator, Kansas State Board of Healing Arts, 800 SW Jackson, Lower Level-Suite A, Topeka, Kansas 66612.

21. Licensee shall complete 80 hours of continuing education and submit proof of completion to the Board within 180 days following service of this Summary Order.

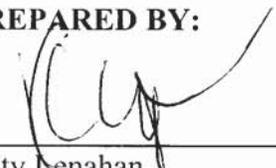
22. Licensee's license shall be suspended for failure to provide proof of the continuing education requirements, and/or payment of the fine within the timeframe specified above.

23. The Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 18th DAY OF Aug, 2011, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

PREPARED BY:



Katy Lenahan
Kansas State Board of Healing Arts

APPROVED BY:



Randy E. Stookey, #21885
Assistant General Counsel
Kansas State Board of Healing Arts

NOTICE OF RIGHTS
(Pursuant to K.S.A. 77-542)

Licensee is entitled to a hearing pursuant to K.S.A. 77-537 and K.S.A. 77-542, the Kansas Administrative Procedure Act. If Licensee desires a hearing, Licensee must file a written request for a hearing with:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

This request must be filed within fifteen (15) days from the date of service of this Order. If Licensee requests a hearing, the Kansas State Board of Healing Arts will notify the Licensee of the time and place of the hearing and information on the procedures, right of representation, and other rights of parties relating to the conduct of the hearing, before commencement of the same.

If a hearing is not requested in the time and manner stated above, this Summary Order shall become effective as a Final Order upon the expiration of time for requesting a hearing, pursuant to K.S.A. 77-613. In the event Licensee files a petition for judicial review, 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
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

CERTIFICATE OF SERVICE

I, do hereby certify that on the 18th day of August, Year, a true and correct copy of the above and foregoing was deposited in the United States mail, first class postage prepaid to the following:

Cassandra Vandever, PT
confidential
Parkerfield, KS 67005

Courtesy Copy provided:

Office of the General Council
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612

The original filed with:

Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts
800 SW Jackson
Lower Level – Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant

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

In the Matter of)
)
Cassandra Vandever, P.T.)
License No.11-03300)
_____)

Docket Number: 12-HA00020

FINAL ORDER SUSPENDING LICENSE

COMES NOW the Kansas State Board of Healing Arts (“Board”), by and through its Executive Director, Kathleen Selzler Lippert (“Executive Director”), a duly authorized representative of the Board, in accordance with K.S.A 2010 Supp. 77-514, to conduct summary proceedings pursuant to K.S.A 2010 Supp. 77-537, and, pursuant to the authority in K.S.A. 65-2901 *et seq.*, hereby enters the following findings of fact, conclusions of law, and Final Order in the above-captioned matter:

Findings of Fact

The Board has been shown the following facts:

1. Cassandra Vandever, P.T. (“Licensee”) is licensed to practice as a physical therapist in the State of Kansas, Certificate No. 11-03300, and has been so licensed since July 24, 2003.

2. Licensee’s last known mailing address Licensee provided to the Board is: **confidential**
confidential, Parkerfield, Kansas 67005.

3. On August 18, 2011, the Executive Director issued a Summary Order regarding Licensee’s license to practice as a physical therapist in the State of Kansas. All facts set forth in the Summary Order filed in this matter are hereby adopted by reference herein.

4. The Summary Order contained a notice that a written request for hearing could be filed within 15 days following service, but if no hearing was requested the Summary Order would become effective as a Final Order of the Board upon expiration of the time for requesting a hearing.

5. The Summary Order contained a provision assessing a CIVIL FINE against Licensee in the amount of \$100.00 due on or before October 8, 2011.

6. The Summary Order ordered the suspension of Licensee's license in the event that Licensee fails to pay the \$100.00 civil fine on or before October 8, 2011.

7. The Summary Order also ordered Licensee to submit proof of completion of 80 hours of continuing education, due within 180 days following the effective date of the Summary Order.

8. The Summary Order ordered the suspension of Licensee's license in the event that Licensee failed to provide documented evidence of completion of 80 continuing education hours within 180 days following the effective date of the Summary Order.

9. Licensee has not remitted payment of the civil fine assessed by the Summary Order.

10. Licensee's timeline for submission of the required 80 hours of continuing education has not yet expired.

11. No hearing has been requested by any party.

Applicable Law

a. K.S.A. 77-501 *et seq.*

b. K.S.A. 65-2901

c. K.S.A. 65-2910

- d. K.S.A. 65-2912
- e. K.S.A. 65-2916
- f. K.S.A. 65-2920
- g. K.A.R. 100-29-8
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Policy Statement

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Conclusions of Law

Based upon the Findings of Fact enumerated in Paragraphs #1 through #11, the Applicable Law, and the Public Policy Statement, as set forth herein, the Board hereby concludes as follows:

12. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding.

13. The Summary Order filed in this matter on August 18, 2011, became effective as a Final Order, without further notice or Board action, on September 5, 2011.

14. Licensee has engaged in unprofessional conduct under K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(7).

15. Licensee has failed to pay the \$100.00 civil fine as set forth in the Summary Order.

Order

IT IS THEREFORE ORDERED that the Summary Order filed in the above-captioned matter has become a Final Order.

IT IS FURTHER ORDERED that a civil fine of \$100.00 is currently due and owing by Licensee.

IT IS FURTHER ORDERED that Licensee's certificate to practice physical therapy in Kansas is hereby **SUSPENDED** until such time as Licensee remits payment to the Board, in full, the civil fine assessed by this Final Order.

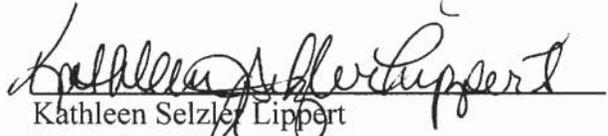
IT IS FURTHER ORDERED that Licensee shall submit proof of completion of 80 hours of continuing education to the Board **within 180 days** of the effective date of the Summary Order.

IT IS FURTHER ORDERED that, in the event that Licensee fails to provide evidence of completion of 80 continuing education hours within 180 days following the effective date of the Summary Order, Licensee's certificate to practice physical therapy in Kansas will be suspended.

IT IS FURTHER ORDERED that the Board shall maintain jurisdiction over this matter to issue any Order(s) deemed necessary and appropriate.

IT IS SO ORDERED THIS 7th ^{November} ~~OCTOBER~~, 2011, **IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.**

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


Kathleen Selzler Lippert
Executive Director
Kansas State Board of Healing Arts

PREPARED BY:


Katy Lenahan
Licensing Administrator
Kansas State Board of Healing Arts

APPROVED BY:


Randy E. Stoekey, #21885 -
Assistant General Counsel
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. 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, the Board's Executive Director, at 800 SW Jackson, Lower Level – Suite A, Topeka, Kansas 66612.

CERTIFICATE OF SERVICE

I do hereby certify that on this 7th day of November, 2011, a true and correct copy of the above and foregoing **FINAL ORDER SUSPENDING LICENSE** was deposited in the United States mail, first class postage prepaid to the following:

Cassandra Vandever, PT
confidential

Parkerfield, KS 67005

and a copy was hand-delivered to:

Katy Lenahan, Licensing Administrator
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612

Melissa Massey, Compliance Monitor
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

and an electronic courtesy copy was sent to:

Office of the General Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, KS 66612
mowens@ksbha.ks.gov

and the original was filed with the office of the Executive Director:

Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612



Cathy Brown
Executive Assistant