

**EFFECTIVE AS A
FINAL ORDER**

DATE: 2/3/14

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

FILED
JAN 14 2014

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KS State Board of Healing Arts

In the Matter of)
JACLYN R. WEST, A.T.)
)
Kansas License No. 24-00354)
_____)

Docket No. 14-HA 00089

SUMMARY ORDER

NOW ON THIS 14 day of Jan, 2014, 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. 77-537, this Summary Order shall become effective as a Final Order, without further notice, if no request for 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. Jaclyn R. West, A.T. ("Licensee") was originally issued license number 24-00354 to as an Athletic Trainer in the State of Kansas on or about February 21, 2002. On or about December 31, 2013, Licensee changed her license to practice athletic training in the State of Kansas from Active, to Inactive status.

2. Licensee's last known mailing address as provided to the Board is: **Confidential**
Confidential Manhattan, Kansas 66503.

3. On or about April 26, 2013, a Summary Order against Licensee's license was entered by the Board *In the matter of Jaclyn R. West, A.T.*, KSBHA Docket No. 13-HA00086.

4. This Summary Order found that Licensee had violated K.S.A. 65-6911(a)(5) and K.S.A. 65-6911(a)(8) by practicing as an Athletic Trainer and representing herself as an Athletic Trainer between January 1, 2013 and February 4, 2013, without being properly licensed, and was to be Publically Censured by the Board for these violations.

5. On or about October 23, 2013, a Final Order of Public Censure and Assessment of Costs was entered in KSBHA Docket No. 13-HA00086. This Final Order found that Licensee had violated K.S.A. 65-6911(a)(5) and K.S.A. 65-6911(a)(8) by practicing as an Athletic Trainer and representing herself as an Athletic Trainer between January 1, 2013 and February 4, 2013, without being properly licensed and was Publically Censured.

6. Further, the Final Order of Public Censure and Assessment of Costs ordered Licensee to pay the assessed costs of \$374.80 incurred by the Board in prosecuting this matter. Licensee was ordered to pay such costs to the Board on or before November 30, 2013.

7. Licensee has not submitted to the Board a full or partial payment of her assessed costs pursuant to the October 23, 2013, Final Order of Public Censure and Assessment of Costs. The assessed costs of \$374.80 remains due, owing, and unpaid.

Applicable Law

8. K.S.A. 65-6911(a) of the Athletic Trainers Licensure Act states in pertinent part:

[T]he Board may deny, suspend, limit, refuse to renew, place on probation, reprimand, or revoke any license granted under the athletic trainers licensure act or take other disciplinary action as the Board may deem proper for any of the following reasons:

(10) The individual has committed unprofessional conduct as defined by rules and regulations adopted by the Board.

9. "The determination by common judgment certain conduct is disqualifying is left to the sound discretion of the board." *Kansas State Bd. Of Healing Arts v. Foote*, 200 Kan. 447, 454 (1968).

Conclusions of Law

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

11. The Board finds that Licensee violated K.S.A. 65-6911(a)(10) in that Licensee has committed unprofessional conduct by not remitting to the Board the costs assessed against Licensee in KSBHA Docket No. 13-HA00086.


12. 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, Jaclyn R. West, A.T.

IT IS, THEREFORE, ORDERED that Licensee is hereby **INDEFINATLY SUSPENDED** for violations of the Athletic Trainers Licensure Act. This indefinite suspension shall last until such time Licensee remits the assessed costs of \$374.80 to the Board in full.

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 day of Jan, 2014.

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 3rd day of February, 2014 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Jaclyn R. West, AT
Confidential
Manhattan, KS 66503

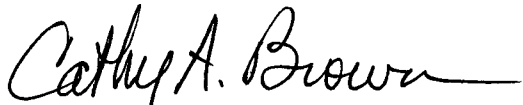
And a copy was hand-delivered to:

Jane E. Weiler, Associate Litigation Counsel
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

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.



Cathy Brown, Executive Assistant