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KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	
MARY BETH YAKLE, O.T.	)	
Kansas License No. 17-01395	)	**Docket No. 10-HA00013**
	)	

FINAL ORDER AND JOURNAL ENTRY OF SATISFACTION
OF REQUIREMENTS OF FINAL ORDER

NOW ON THIS 1st day of September, 2009, the above-entitled matter comes on before John (Jack) Confer, Executive Director of the Kansas State Board of Healing Arts ("Board"). After reviewing the file and being duly advised in the premises, the Executive Director makes the following determinations.

1. On August 10, 2009, the Executive Director issued a Summary Order regarding the license of Mary Beth Yakle, O.T. ("Licensee") to practice as an occupational therapist in the state of Kansas. The Summary Order contained a provision assessing a $150 civil fine against Licensee for engaging in unprofessional conduct, due and payable within thirty (30) days of the effective date of the Summary Order.

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 be come 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; therefore the Summary Order became effective as a Final Order on August 31, 2009.

4. On August 19, 2009, Licensee remitted $150.00 to the Board for satisfaction of the $150 civil fine.

5. Licensee has satisfied all requirements of the Final Order and has no further obligation for compliance.

IT IS THEREFORE ORDERED that Licensee is hereby discharged from the requirements of the Final Order.

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 Jack Confer, Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, Kansas 66603.

Dated this 1st **day of September 2009.**

KANSAS BOARD OF HEALING ARTS

John (Jack) Confer
Executive Director

9-1-09
Date

CERTIFICATE OF SERVICE

I, hereby certify that a true and correct copy of the foregoing **Final Order and Journal Entry of Satisfaction** was served on the 2nd day of September, 2009 by United States mail, first-class postage pre-paid and addressed to:

Mary Beth Yakle, O.T.
12745 Woodward
Overland Park, Kansas 66213

and a copy was hand-delivered to:

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

Melissa Massey
Compliance Coordinator
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3065

and the original was hand-delivered for filing with the office of the Executive Director:

Jack Confer
Kansas State Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

Cathy A. Brown

Cathy Brown
Executive Assistant

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KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
MARY BETH YAKLE, O.T.	)	
	)	
Kansas License No. 17-01395	)	**Docket No. 10-HA**00013
	)	

SUMMARY ORDER

NOW ON THIS 15th day of August, 2009, this matter comes before John (Jack) Confer, 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. Mary Beth Yakle, O.T. ("Licensee") was originally issued license number 17-01395 to practice as an occupational therapist in the State of Kansas on August 16, 1997. Licensee's license is currently active.

2. Licensee's last known mailing address as provided to the Board at the time of her application for reinstatement is 12754 Woodward, Overland Park, Kansas 66213.

3. On or about May 18, 2009, the Board received an application from Licensee for reinstatement of her occupational therapy license. Licensee's license had been cancelled for failure

to renew on May 1, 2009.

4. In her application, Licensee lists all professional activities since the cancellation of her license. Licensee states that she worked at Blue Valley School District as an occupational therapist from August 1998 to the present. Licensee further explains that it the failure to renew her license was an oversight.

5. Licensee in a request for further information stated that she worked as an occupational therapist and continued to treat students from May 1, 2009 until May 22, 2009. Licensee further stated that she worked indirectly with other therapists through phone calls, e-mails and during transition meetings until May 28, 2009.

6. Licensee's license was reinstated on June 26, 2009. Licensee worked from May 1, 2009 until May 28, 2009 as an occupational therapist without being properly licensed or supervised by a licensed occupational therapist.

Applicable Law

7. K.S.A. 65-5410 states, in pertinent part: (a) The Board may deny, refuse to renew, suspend, revoke or limit a license or the licensee may be publicly or privately censured where the licensee or applicant for licensure has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Unprofessional conduct includes:

> (2) being guilty of unprofessional conduct as defined by rules and regulations adopted by the board;
>
> (c) The board, in addition to any other penalty prescribed in subsection (a), may assess a civil fine, after proper notice and an opportunity to be heard, against a licensee for unprofessional conduct in an amount not to exceed $5000 for the first violation. . . .

8. K.A.R. 100-54-5. Unprofessional conduct; defined. "Unprofessional conduct" means any of the following: (o) committing conduct likely to deceive, defraud or harm the public.

Conclusions of Law

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

10. The Board finds that Licensee practiced as an occupational therapist without being licensed or properly supervised from May 1, 2009 until May 28, 2009.

11. The Board finds that by practicing as an occupational therapist without being properly licensed or supervised, Licensee engaged in conduct that could deceive, defraud or harm the public.

12. That by continuing to engage in the practice of occupational therapy from May 1, 2009 to May 28, 2009, without being properly licensed or properly supervised by a licensed occupational therapist, Licensee was in violation of K.S.A. 65-5410(a)(2) and K.A.R. 100-54-5 (o).

13. 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, Mary Beth Yakle, O.T.

IT IS, THEREFORE, ORDERED that Licensee is hereby assessed a civil fine of $150 due and payable within thirty days of the effective date of this Order.

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 Jack Confer, 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 10th **day of** August **2009.**

Kansas State Board of Healing Arts

_____

Jack Confer
Executive Director

Certificate of Service

I certify that the foregoing Summary Order was served this 11th day of Aug., 2009, by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Mary Beth Yakle
12754 Woodward
Overland Park, Kansas 66213

and a copy was hand-delivered to:

Katy Lenahan
Licensing Administrator

Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, KS 66603

Melissa Massey
Compliance Monitor
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

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

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

Jack Confer
Executive Director
Kansas State Board of Healing Arts
235 S. Topeka Blvd.
Topeka, Kansas 66603

Cathy A. Brown

Cathy Brown
Executive Assistant