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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	)	
	)	Docket No. 06-HA-00104
Terri M. Bockhaus, P.T.A.	)	
Kansas License No. 14-01480	)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Kathleen Selzler Lippert, Associate Counsel ("Petitioner"), and Terri M. Bockhaus, P.T.A. ("Licensee"), *pro se*, and move the Board for approval of a Consent Order affecting Licensee's license to practice as a physical therapist assistant in the State of Kansas. The Parties stipulate and agree to the following:

1. Licensee's last known mailing address to the Board is: Confidential Newton, Kansas 67114.
2. Licensee is or has been entitled to engage in the practice as a physical therapy assistant in the State of Kansas, having been issued License No. 14-01480 on approximately April 10, 2000. Licensee's license is active.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the healing arts, specifically the practice as a physical therapy assistant. K.S.A. 65-2901 et seq.
4. This Consent Order and the filing of such document are in accordance with applicable law and the Board has jurisdiction to enter into the Consent Order as provided by K.S.A.77-505. Upon approval, these stipulations shall constitute the

findings of the Board, and this Consent Order shall constitute the Board's Final Order.

5. The Kansas Physical Therapy Act is constitutional on its face and as applied in the case.
6. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.
7. Licensee voluntarily and knowingly waives her right to a hearing. Licensee voluntarily and knowingly waives her right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Licensee voluntarily and knowingly agrees to waive all possible substantive and procedural motions and defenses that could be raised if an administrative hearing were held.
8. The terms and conditions of the Consent Order are entered into between the undersigned parties and are submitted for the purpose of allowing these terms and conditions to become an Order of the Board. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is not authorized to sign this Consent Order on behalf of the Board.
9. On or about December 27, 2005, Licensee submitted her renewal application for her physical therapy assistant license and disclosed that she had voluntarily surrendered her Kansas license as a licensed practical nurse ("LPN") in April of 2005.

10. In actuality, Licensee's LPN license had been revoked by the Kansas Board of Nursing.
11. Licensee's LPN license was revoked by a Summary Order dated July 6, 2005, issued by the Kansas State Board of Nursing. The Findings of Fact in the Summary Order state, "The respondent used the same Continuing Nurse Education for her 2005 renewal as she did on her 2003 renewal and when finding out that she was being audited, altered the dates of the same Continuing Nursing Education Certificate."
12. The Summary Order dated July 6, 2005, determined that Licensee was guilty of fraud or deceit and that she committed an act of unprofessional conduct.
13. Licensee authored a letter, dated July 9, 2005, to the Kansas State Board of Nursing requesting that she be allowed to relinquish her nursing license and change the designation to "inactive" and remove the "revoked status" on her nursing license.
14. Kansas State Board of Nursing authored a letter, dated July 19, 2005, denying Licensee's request to change her nursing license designation to inactive; the status of revoked was affirmed.
15. Licensee's acts constitute obtaining or attempting to obtain registration or certification by fraud or deception as set forth in K.S.A. 65-2912(3).
16. Licensee's acts, constitute unprofessional conduct as set forth in K.S.A. 65-2912(5).
17. Licensee waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any future proceeding before this Board.

18. Pursuant to K.S.A. 65-2912, the Board has grounds to deny, revoke, suspend, limit, or censure Licensee's license.

19. According to K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

20. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against her license to practice as a physical therapy assistant:

CENSURE

a. Licensee is publicly censured for violating the physical therapy act.

FINES

b. Licensee is hereby fined $200. Such fine is payable in full to the "Kansas Board of Healing Arts" on or before February 28, 2007.

21. Licensee's failure to comply with the provisions of the Consent Order may result in the Board taking further disciplinary action as the Board deems appropriate according to the Kansas Administrative Procedure Act and Kansas physical therapy act. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the physical therapy act, or to investigate complaints received under the Risk Management Law, K.S.A. 64-4921 et seq., that are known or unknown and are not covered under this Consent Order, or to initiate formal proceedings based upon known or unknown allegations of violations of the physical therapy act.

22. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees and agents, hereinafter collectively

referred to as "Releasees", from any and all claims, including but not limited to those alleged damages, actions, liabilities, both administrative and civil, including the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions, K.S.A. 77-601 et seq. arising out of the investigation and acts leading to the execution of this Consent Order. This release shall forever discharge the Releasees of any and all claims or demands of every kind and nature that Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

23. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to the National Practitioner Databank and any reporting entities authorized to receive disclosure of the Consent Order.
24. This Consent Order, when signed by both parties, constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.
25. Licensee agrees that all information maintained by the Board pertaining to the nature and result of any complaint and/or investigation may be fully disclosed to and considered by the Board in conjunction with the presentation of any offer of settlement, even if Licensee is not present. Licensee further acknowledges that the Board may conduct further inquiry as it deems necessary before the complete or partial acceptance or rejection of any offer of settlement.

26. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member in any future proceedings on the basis that the Board member has received investigative information from any source which otherwise may not be admissible or admitted as evidence.
27. Licensee acknowledges that she has read this Consent Order and fully understands the contents.
28. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.
29. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to the Kansas State Board of Healing Arts, Attn: Kathleen Selzler Lippert, 235 S. Topeka Blvd., Topeka, Kansas 66603-3068.
30. Licensee shall obey all federal, state and local laws and rules governing practice as a physical therapy assistant in the State of Kansas that may be in place at the time of execution of the Consent Order or may become effective subsequent to the execution of this document.
31. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Order when filed with the office of the Executive Director for the Board and no further Order is required.

32. This Consent Order constitutes disciplinary action.

33. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

IT IS THEREFORE ORDERED that the Consent Order and agreement of the parties contained herein is adopted by the Board as findings of fact and conclusions of law.

IT IS FURTHER ORDERED that:

CENSURE

a. Licensee is publicly censured for violating the physical therapy act.

FINES

b. Licensee is hereby fined $200. Such fine is payable in full to the "Kansas Board of Healing Arts" on or before February 28, 2007.

IT IS SO ORDERED on this ___ day of June, 2006.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:

Lawrence T. Buening, Jr.
Executive Director

June 12, 2006
Date

Terri M. Bockhaus, P.T.A.
Licensee

6-2-06
Date

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order by United States mail, postage prepaid, on this 12th day of June, 2006, to the following:

Terri M. Bockhaus, P.T.A.
Confidential

Newton, Kansas 67114

And the original was hand-filed with:

Lawrence T. Buening, Jr.
Executive Director
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068

And a copy was hand-delivered to:

Kathleen Selzler Lippert
Associate Counsel
Kansas Board of Healing Arts
235 S. Topeka Boulevard
Topeka, Kansas 66603-3068