

FILED

SEP 25 2015

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

KS State Board of Healing Arts

In the Matter of)
TRACI L. BORLAND, O.T.)
)
Kansas License No. 17-02574)
_____)

Docket No. 15-HA00130

EX PARTE EMERGENCY ORDER OF SUSPENSION

NOW on this 25th day of September, 2015, this matter comes before the Presiding Officer, Ronald Varner, D.O. on Petitioner’s Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings filed by Jane E. Weiler, Associate Litigation Counsel for the Board. There are no other appearances.

Upon review of the agency record in KSBHA Docket No. 15-HA00130, including the Petition, Motions, and attached exhibits, the Presiding Officer finds, concludes and orders as follows:

1. On September 25, 2015, Petitioner filed an Amended Petition alleging that Traci L. Borland, OT (“Licensee”) committed violations of the Occupational Therapy Act and requesting disciplinary action against Licensee’s license.

2. Petitioner also filed a Motion for *Ex Parte* Emergency Order of Suspension and for Emergency Proceedings (“Motion”) pursuant to K.S.A. 65-5410(a), as defined in K.A.R. 100-54-5(c). The Motion incorporated the allegations of the Amended Petition by reference.

3. At all times relevant to the allegations set forth in the Amended Petition and Motion, Licensee has been subject to certain requirements contained in a Consent Order she entered into with the Board to resolve disciplinary allegations as a condition to being allowed to continue to

practice as an occupational therapist. Such Consent Order was filed with the Board on April 15, 2015, in Kansas Board of Healing Arts Docket No. 15-HA00095.

4. Confidential

Confidential

5. Licensee is presently licensed and entitled to engage in the active practice of occupational therapy.

Allegations

6. The Motion generally alleges that Licensee has violated Confidential

Confidential her Consent Order with the Board Confidential Specifically, the Motion alleges that after Licensee appeared before the Board to answer the allegations contained in the original Petition on August 14, 2015, that on or about September 16, 2015, Licensee Confidential

7. At the conference hearing on the original Petition on August 14, 2015, Licensee advised the Board, while under oath, that she understood that although the matter was going to be continued for further hearing, that she was still obligated to follow the conditions set forth in the Consent Order Confidential

8. That at the conference hearing held on August 14, 2015, Licensee while under oath admitted that she in fact had **Confidential** in May of 2015 in violation of her Consent Order and **Confidential**

Findings and Conclusions

9. The facts and documentary evidence as set forth in the Motion provide sufficient evidence that Licensee is continuing to engage in **Confidential** in violation of her Consent Order and **Confidential**

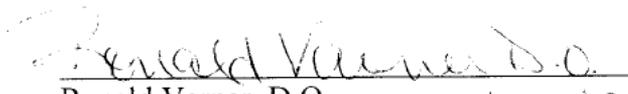
10. The Presiding Officer concludes that even though Licensee was before the Board just one month ago and admonished by the Board to comply with the terms and conditions of her Consent Order and **Confidential** that Licensee either cannot or will not **Confidential** **Confidential**

11. The Presiding Officer further finds that because the Board is unable to guarantee Licensee's **Confidential**, the Board is unable to assure the public that Licensee is safe to practice occupational therapy at this time.

IT IS THEREFORE, ORDERED that the license of TRACI L. BORLAND, O.T. is hereby emergently **SUSPENDED** on a temporary basis pending an evidentiary hearing to determine if there is adequate cause for the suspension to remain in effect during the proceedings on the underlying Petition.

IT IS SO ORDERED this 25th day of September, 2015.

Kansas State Board of Healing Arts


Ronald Varner, D.O.
Presiding Officer

by ARB

NOTICE OF RIGHTS

This is an emergency order. An emergency order is effective when rendered. A party to an agency proceeding may seek judicial review of an emergency order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition for judicial review is not timely unless filed within 30 days following service of the order. A copy of any petition for judicial review must be served upon 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 certify that a true copy of the foregoing **Ex Parte Emergency Order of Suspension** was served this 25th day of September, 2015 by depositing the same in the United States Mail, first-class postage prepaid, and addressed to:

Traci L. Borland, OT
Confidential
Wichita, KS 67209

Diane Belquist
1508 SW Topeka Blvd
Topeka, KS 66612

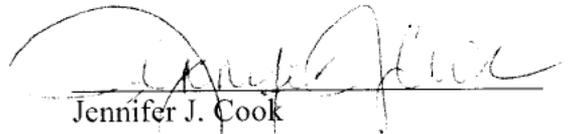
And a copies were hand-delivered to:

Jane E. Weiler
Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson Lower Level, Ste A
Topeka, KS 66612

And a copy was given to:

Ronald Varner, D.O.
KSBHA Presiding Officer
Kansas State Board of Healing Arts

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



Jennifer J. Cook
Legal Assistant