FILED

JUN 19 2015

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	Docket No. 15-HA 00124
Jennifer L. Godfrey, P.T.A.	)	
Kansas License No. 14-01036	)	

CONSENT ORDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Reese H. Hays, Litigation Counsel ("Petitioner"), and Jennifer L. Godfrey, P.T.A. ("Licensee"), *pro se*, and move the Board for approval of a Consent Order affecting Licensee's certificate to practice as a Physical Therapy 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: P.O. Box 194, Fowler, Kansas 67844.
2. Licensee is or has been entitled to engage in practice as physical therapy assistant in the State of Kansas, having been issued License No. 14-01036 on or about October 19, 1996. Licensee's license is active and was last renewed on or about January 7, 2015.
3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of physical therapy, specifically the practice of physical therapy assistants. 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 Practice Act is constitutional on its face and as applied in the case. Licensee agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

6. 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 substantive and procedural motions and defenses that could be raised if an administrative hearing were held.

7. 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.

8. The Board has received information, and investigated the same, and has reason to believe that there may be grounds pursuant to K.S.A. 65-2912 to take action with respect to Licensee's certificate under the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*

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15. On or about November 18, 2014, Licensee returned back to work at Minneola District Hospital and she was placed on probation by her employer, Confidential

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16. Since returning to work on November 18, 2014, Licensee Confidential

Confidential nor has she had any other issues or actions taken against her by her employer.

17. Licensee failed to report these incidents on her 2014 application for renewal, submitted to the Board on or about December 31, 2013.

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20. Licensee acknowledges that if formal hearing proceedings were conducted and Licensee presented no exhibits, witnesses or other evidence, the Board has sufficient evidence to prove that Licensee has violated the Kansas Physical Therapy Assistant Act with respect to the above allegations. Licensee further waives her right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

21. Licensee agrees that she violated K.S.A 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(2)(C), in that Licensee has committed acts of unprofessional conduct by practicing physical therapy without reasonable skill and safety

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22. Further, Licensee agrees that she violated K.S.A. 65-2912(a)(5), as further defined by K.A.R. 100-29-12(a)(8), in that Licensee has committed acts of unprofessional conduct for being sanctioned or disciplined by a peer review committee or medical care facility for acts or conduct that would constitute unprofessional conduct under this regulation.

23. Additionally, Licensee agrees that she violated K.S.A. 65-2912(a)(5), as further defined by K.A.R 100-29-12(a)(18), in that Licensee has committed acts of unprofessional conduct for conduct likely to deceive, defraud, or harm the public.

24. Pursuant to K.S.A. 65-2912, the Board may revoke, suspend, limit, censure or place under probationary conditions Licensee's certificate for violations of the Kansas Physical Therapy Act.
25. 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.
26. All pending investigation materials in KSBHA Case Number 14-00157 regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel. Disciplinary Panel No. 29 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.
27. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee has failed to comply with any of the terms of this Consent Order, the Board may immediately impose any sanction provided for by law, including but not limited to suspension or revocation of Licensee's certificate to practice as a physical therapy assistant in the State of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee has failed to comply with any of the terms or conditions set forth in this Consent Order. The Board acknowledges that at any such hearing, Licensee retains the right to confront and examine all witnesses, present evidence, testify on her own behalf, contest the allegations, present oral argument, appeal to the courts, and all other rights set forth in the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.*, and the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*

28. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Physical Therapy Practice Act, or to investigate complaints received under the Risk Management Law, K.S.A. 65-4921 *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 Kansas Physical Therapy Practice Act.
29. 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 Judicial Review Act, 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.
30. Licensee further understands and agrees that upon signature by Licensee, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of the Consent Order.
31. 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.

32. 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.

33. Licensee, by signature to this document, waives any objection to the participation of the Board members, including the Disciplinary Panel and General Counsel, in the consideration of this offer of settlement and agrees not to seek the disqualification or recusal of any Board member or General Counsel in any future proceedings on the basis that the Board member or General Counsel has received investigative information from any source which otherwise may not be admissible or admitted as evidence.

34. Licensee acknowledges that she has read this Consent Order and fully understands the contents.

35. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

36. All correspondence or communication between Licensee and the Board relating to the Consent Order shall be by certified mail addressed to:

    Kansas State Board of Healing Arts
    Attn: Compliance Coordinator
    800 SW Jackson Lower Level-Suite A
    Topeka, Kansas 66612

37. Licensee shall obey all federal, state and local laws and rules governing the practice of 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.

38. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become a Final Order under K.S.A. 77-505. 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.

39. This Consent Order constitutes public non-disciplinary action.

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

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

MONITORING

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i. Licensee will furnish a copy of this Consent Order to each and every state in which she holds licensure or applies for licensure, and to an appropriate work site supervisor or personnel Confidential

j. Licensee shall immediately notify the Board or its designee of any citation, arrest or charge filed against her or of any conviction for any traffic or criminal offense. Further, the Licensee shall immediately notify the Board or its designee of any disciplinary action and/or investigation

initiated and/or taken by any state licensing agency, government agency, professional association, peer review committee or medical care facility regarding allegations, complaints, or charges against her certificate/license.

k. Licensee shall at all times keep Board staff informed of all her current practice locations, addresses and telephone numbers. Licensee shall provide the above information in writing to the Board within ten (10) calendar days of any such change.

l. Licensee is responsible for payment of all costs Confidential

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TIMEFRAME

43. The above monitoring provisions are not self-terminating. After a period of one (1) year, Licensee may request modification or termination of the provisions. For any period of time that Licensee is not actively practicing as a physical therapy assistant in Kansas, the monitoring provisions will remain in effect but will be tolled and not counted towards reducing the one (1) year timeframe.

44. Any request for modification or termination of this Consent Order shall be sent by certified mail addressed to:

Kansas State Board of Healing Arts
Attn: Executive Director
800 SW Jackson Lower Level-Suite A
Topeka, Kansas 66612

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

IT IS SO ORDERED on this 19 day of June, 2015.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:

Kathleen Selzler Lippert
Executive Director

6/19/2015
Date

Jennifer L. Godfrey, CPTA
Jennifer L. Godfrey, P.T.A.
Licensee

5-5-15
Date

PREPARED AND APPROVED BY:

Reese H. Hays FOR
Reese H. Hays, #22700
Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson Avenue
Lower Level, Suite A
Topeka, Kansas 66612
Phone: 785-296-0961
Fax: 785-368-8210
Email: rhays@ksbha.ks.gov

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 19th day of June, 2015, to the following:

Jennifer Godfrey, P.T.A.
Licensee
P.O. Box 194
Fowler, Kansas 67844

And the original was hand-filed with:

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

And a copy was delivered to:

Reese H. Hays
Litigation Counsel
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
Kansas Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

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

Cathy A. Brown