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MAY 05 2016
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
J. RICH JONES, P.T.	)	
	)	**KSBHA Docket No. 13-HA00046**
Kansas License No. 11-03209	)	
	)	

FINAL ORDER GRANTING
MODIFICATION OF LIMITATION

NOW on this 8th day of April, 2016, comes before the Kansas State Board of Healing Arts ("Board") Licensee's Motion to Modify the Limitation previously entered in this matter. J. Rich Jones, P.T. ("Licensee") appears in person, and through counsel Mark Lynch of Simpson, Logback, Lynch, Norris, PA. Jane Weiler, Associate Litigation Counsel, appears on behalf of the Respondent agency.

Pursuant to the authority granted to Board by K.S.A. 65-2901 *et seq.* and in accordance with the provisions of the Kansas Administrative Procedure Act K.S.A. 77-501 *et seq.*, the Board hereby enters this Final Order in the above-captioned matter. After reviewing the agency record, hearing the statements and arguments of the parties, receiving exhibits into evidence, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions and order:

1. Licensee is licensed as a physical therapist in the State of Kansas, having been issued License No. 11-03209 in 2002.

2. On April 25, 2013, a Final Order Suspending License ("2013 Final Order") was issued which suspended Licensee's license for at least six (6) months, due to Licensee having a consensual sexual relationship with a female patient.

3. On February 27, 2014, following a conference hearing on Licensee's request to terminate the suspension, the Board issued a Final Order Terminating Suspension and Imposing Limitations ("2014 Final Order"). The limitations include:

a) a prohibition from evaluating or treating female patients for at least one (1) year;

b) a requirement that Licensee have a Board-approved chaperone present when evaluating or treating any patient, regardless of gender, for at least two (2) years; and

c) Confidential

4. On February 23, 2016, Licensee filed a request to modify the limitations imposed in the 2014 Final Order. Licensee requested that the prohibition on evaluating and treating female patients and the chaperone requirement for male patients be terminated, with the chaperone requirement for female patients to continue.

5. In support of Licensee's request, Licensee showed the Board that he has now been back in practice for a year; there have not been any problems noted during this timeframe; he has had all patient encounters chaperoned; Confidential He further asserted that the modification was warranted since his original violation was not with a male patient.

6. On March 8, 2016, Associate Litigation Counsel filed a Response to Petition to Modify Final Order indicating that Licensee obtained approval for Sandra Karcher, P.T. to be his chaperone; Ms. Karcher submitted monthly reports evidencing that she was present when Licensee evaluated or treated male patients, and there was no evidence that Licensee evaluated or treated any female patients since the 2013 Final Order.

7. The Board finds that the Licensee has been compliant with the limitation on his license and concludes that the evidence presented supports granting Licensee's request.

8. The Board concludes that requiring Licensee to have a chaperone present whenever evaluating and treating female patients is sufficient for public safety. Licensee must show good cause in order for the Board to grant further modifications or terminate this limitation.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that the 2014 Final Order's limitations on Licensee's license be **MODIFIED** such that:

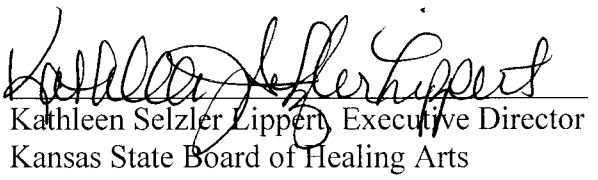
a) Licensee may evaluate and treat male patients without a chaperone present or any other restriction;

b) Licensee may evaluate and treat female patients; and

c) Licensee's license remains limited in that Licensee shall not evaluate or treat female patients unless a Board-approved chaperone present in the room.

IT IS FURTHER ORDERED that all remaining terms of the 2014 Final Order not modified above shall remain in effect until further order of the Board.

IT IS SO ORDERED THIS 4 DAY OF MAY, 2016, IN THE CITY OF TOPEKA, COUNTY OF SHAWNEE, STATE OF KANSAS.



Kathleen Selzler Lippert, Executive Director
Kansas State Board of Healing Arts

NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service, and service of a Final Order is complete upon mailing. Pursuant to K.S.A. 77-529, Licensee may petition the Board for Reconsideration of a Final Order within fifteen (15) days following service of the final order. Additionally, 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 State 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 and correct copy of the above and foregoing **FINAL ORDER GRANTING MODIFICATION OF LIMITATION** was served this 5th day of May, 2016, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

J. Rich Jones, P.T.
Confidential

Olathe, KS 66062

Mark Lynch
Simpson, Logback, Lynch, Norris, P.A.
7400 West 110th Street, Suite 600
Overland Park, KS 66210

And a copy was delivered to:

Jane Weiler, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612

Compliance Coordinator
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 A. Brown

Cathy Brown, Executive Assistant