FILED
DEC 18 2014
KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
JANEL LEONARD, O.TA.	)	
	)	**KSBHA Docket No. 15-HA00043**
Kansas License No. 18-01128	)	
	)	

FINAL ORDER GRANTING LICENSE

NOW on this 11th day of December 2014, comes before the Kansas State Board of Healing Arts ("Board") the application of Janel Leonard, O.T.A. ("Applicant") for a license to practice as an occupational therapy assistant in the State of Kansas. Applicant appears in person and *pro se.* Jessica Bryson, Associate Litigation Counsel, appears on behalf of the Respondent Board.

Pursuant to the authority granted to the Board by the Kansas Occupational Therapy Practice Act, K.S.A. 65-5401, *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, and being otherwise duly advised in the premises, the Board makes the following findings, conclusions, and order:

1. On or about May 22, 2014, Applicant submitted an application to the Board for a license to practice as an occupational therapy assistant in the State of Kansas. Such application was complete and filed with the Board on November 17, 2014.

2. On November 17, 2014, Associate Litigation Counsel filed a Response In Opposition to Application for License to Practice as an Occupational Therapy Assistant ("Response").

3. The Response alleged Applicant had committed unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public in violation of K.S.A. 65-5410(a)(2), as further set forth in regulation.

4. Specifically, the Response alleged that Applicant violated K.A.R. 100-54-5(c) for "practicing occupational therapy without reasonable skill and safety because of illness, disability, excessive use of alcohol or drugs; illegal use of controlled substances, chemicals, or any other type of material; or as a result of any mental or physical condition.

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6. The Response further alleged that Applicant violated K.A.R. 100-54-5(o) for "committing conduct likely to deceive, defraud, or harm the public."

7. Specifically, the Response alleged that the acts underlying Applicant's 2004 conviction for marijuana possession, coupled with a 2004 and 2008 DUI plea agreements were conduct likely to harm the public.

8. Applicant presented evidence in defense of the allegations against her in the form of proof of Confidential

character reference letters, and testimony about the changes in her personal life and achievements accomplished since 2008.

9. The Board finds Applicant to be credible and her evidence to be persuasive. The Board further considers it significant that Applicant's criminal matters all took place before she attended occupational therapy assistant school and that her last conviction was six years ago. The Board does concludes that Applicant's prior acts underlying her criminal matters are too far

removed in time and relevance to her application for licensure to rise to a violation of the Occupational Therapy Practice Act.

10. The Board further concludes that there is insufficient evidence that Applicant is practicing occupational therapy without reasonable skill and safety Confidential

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11. The Board concludes that Applicant is qualified for licensure and her application for licensure should be granted.

IT IS THEREFORE ORDERED, BY THE KANSAS STATE BOARD OF HEALING ARTS that Applicant is hereby GRANTED a license to practice as an occupational therapy assistant in the State of Kansas.

IT IS SO ORDERED THIS 18 DAY OF DECEMBER, 2014, 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 LICENSE** was served on this 18th day of December, 2014, by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Janel Leonard, OTA
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Topeka, KS 66611

And a copy was hand-delivered to:

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

Katy Lenahan, Licensing Administrator
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