EFFECTIVE AS A FINAL ORDER

DATE: 4/28/15

FILED

APR 07 2015

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS OF THE STATE OF KANSAS

In the Matter of	)	
KERRYN E. OPAT, A.T.	)	
	)	**KSBHA Docket No. 15-HA** 00081
Kansas License No. 24-00899	)	
	)	

SUMMARY ORDER

NOW ON THIS 7 day of April, 2015, this matter comes before Kathleen Selzler Lippert, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings pursuant to K.S.A. 77-537. This Summary Order shall become effective as a Final Order, without further notice, upon the expiration of the fifteen (15) day period if no request for hearing is made, pursuant to K.S.A. 77-542.

Upon review of the agency record and being duly advised in the premises, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

Findings of Fact

1. Kerryn E. Opat, A.T. ("Licensee") was originally issued license number 24-00899 to practice as an Athletic Trainer in the State of Kansas on August 28, 2013. Licensee's license is currently active.

2. Licensee's last known mailing address as provided to the Board is: Confidential Street, Newton, Kansas 67114.

3. On or about September 23, 2014, the Board received an application from Licensee seeking reinstatement of her Athletic Trainer license. Licensee's license had been cancelled for "failure to renew" on January 1, 2014.

4. In her application for reinstatement, Licensee lists all professional activities since

the cancellation of her license. Licensee stated that she had been employed as a Graduate Assistant Athletic Trainer for Bethel College from August 2013 to September 19, 2014, and that she had been an Athletic Trainer at Hutchinson Community College from July 14, 2014, to July 31, 2014.

5. Licensee's license was reinstated on or about October 16, 2014. Licensee practiced in Kansas from January 1, 2014, through September 19, 2014, as an Athletic Trainer without being properly licensed.

Applicable Law

6. K.S.A. 65-6902(b) states: "'Athletic training' means the practice of injury prevention, physical evaluation, emergency care and referral or physical reconditioning relating to athletic activity."

7. K.S.A. 65-6903(a) states: "It shall be unlawful for any person who is not licensed under this act as an athletic trainer or whose license has been suspended or revoked to use, in connection with such person's name or place of business, the words: 'Athletic trainer' or 'athletic trainer licensed' or 'licensed athletic trainer' or 'certified athletic trainer' or the letters 'A.T.' or 'A.T.L.' or 'L.A.T.' or 'ATC,' or any other words, letters, abbreviations, or insignia indicating or implying that such person is an athletic trainer, or who in any way orally, or in writing, in print or by sign, directly or by implication represents oneself as an athletic trainer."

8. K.S.A 65-6909(c) states: "At least 60 days before the expiration of the license of an athletic trainer, the board shall notify the licensee of the expiration by mail, addressed to the licensee's last mailing address, as noted upon the board's records. If the licensee fails to pay the renewal fee and submit an application at least 30 days prior to the date of expiration of the license, the licensee shall be given a second notice that the licensee's license will expire and the license may be renewed only if an additional renewal fee is received by the board within the 30-day period following the date of expiration and that if both fees are not received by the date of expiration the license shall be canceled for failure to renew and shall be reissued only after the athletic trainer has been reinstated under subsection (d)."

9. K.S.A. 65-6911(a)(5) allows the Board to deny, suspend, limit, refuse to renew, place on probation, reprimand, or revoke any license granted under the athletic trainers licensure act or take other disciplinary action as the Board may deem appropriate if it finds that the licensee has committed misconduct in the performance of the functions or duties of an athletic

trainer.

10. K.S.A. 65-6911(a)(8) allows the Board to deny, suspend, limit, refuse to renew, place on probation, reprimand, or revoke any license granted under the athletic trainers licensure act or take other disciplinary action as the Board may deem appropriate if it finds that the licensee has committed a negligent or intentional violation of the provisions of this act or the rules and regulations adopted under this act.

Conclusions of Law

11. The Board has jurisdiction over Licensee as well as the subject matter of this proceeding, and such proceeding is held in the public interest.

12. The Board finds that Licensee practiced as an Athletic Trainer without being licensed from January 1, 2014, through September 19, 2014.

13. The Board finds that Licensee held herself out as an Athletic Trainer without being licensed from January 1, 2014, through September 19, 2014.

14. The Board finds that by practicing as an Athletic Trainer without being properly licensed, Licensee committed a negligent or intentional violation of the provisions of the Athletic Trainers Licensure Act pursuant to K.S.A. 65-6911(a)(8).

15. Additionally, the Board finds that by practicing as an Athletic Trainer without being properly licensed, Licensee committed misconduct in violation of the provisions of the Athletic Trainers Licensure Act pursuant to K.S.A. 65-6911(a)(5).

16. That by continuing to engage in the practice of an Athletic Trainer as well as representing herself as an Athletic Trainer from January 1, 2014, through September 19, 2014, without being properly licensed, Licensee was in violation of K.S.A. 65-6903(a).

17. Based on the facts and circumstances set forth herein, it appears that the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the

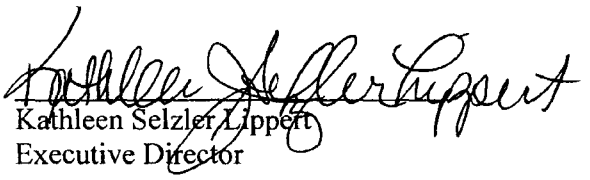
law and the protection of the public interest does not require the Board to give notice and opportunity to participate to persons other than Licensee, Kerryn E. Opat, A.T.

IT IS, THEREFORE, ORDERED that Licensee is hereby **PUBLICLY CENSURED** for practicing as an Athletic Trainer and representing herself as an Athletic Trainer from January 1, 2014, through September 19, 2014, without being properly licensed.

PLEASE TAKE NOTICE that upon becoming effective as a Final Order, this document shall be deemed a public record and be reported to any reporting entities authorized to receive such disclosure.

Dated this 7 **day of** April, **2015.**

Kansas State Board of Healing Arts



Kathleen Selzler Lippert
Executive Director

FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. 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 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 copy of the foregoing **FINAL ORDER** was served this 28th day of April, 2015 by depositing the same in the United States Mail, first-class, postage prepaid, and addressed to:

Kerryn Opat, AT
Confidential
Newton, KS 67114

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

Office of the General Counsel
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