FILED

MAY 23 2016

KS State Board of Healing Arts

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of	)	
	)	Docket No. 16-HA0001
Jordan L. Stanton, PTA	)	
Kansas License No. 14-02440	)	

CONSENT ORDER FOR SURRENDER

COMES NOW, the Kansas State Board of Healing Arts, ("Board"), by and through Joshana L. Offenbach, Associate Disciplinary Counsel ("Petitioner"), and Jordan L. Stanton, PTA ("Certificate holder"), *pro se* and moves the Board for approval of a Consent Order affecting Certificate holder's certificate to practice as a physical therapist assistant in the State of Kansas. The Parties stipulate and agree to the following:

1. Certificate holder's last known mailing address to the Board is: Confidential Wichita, Kansas 67037.

2. Certificate holder is or has been entitled to engage to practice of as a physical therapist assistant in the State of Kansas, having been issued Certificate holder No. 14-02440 on approximately November 7, 2012.

3. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of the professions under its jurisdiction, including the practice of physical therapy. K.S.A. 65-2801 *et seq.* through 65-2869 and K.S.A. 65-2901 *et seq.* through K.S.A. 65-2922.

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 and

65-2838. 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 this case. Certificate holder agrees that, in considering this matter, the Board is not acting beyond its jurisdiction as provided by law.

6. Certificate holder voluntarily and knowingly waives his right to a hearing. Certificate holder voluntarily and knowingly waives his right to present a defense by oral testimony and documentary evidence, to submit rebuttal evidence, and to conduct cross-examination of witnesses. Certificate holder voluntarily and knowingly agrees to waive all possible 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. Certificate holder 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 Certificate holder's certificate under the Kansas Physical Therapy Practice Act K.S.A. 65-2901 *et seq.*

9. Certificate holder was charged with criminal violations in the District Court of Lyon County, Kansas. The charging document entitled "Second Amended Complaint/Information" as filed in The District Court of Lyon County, Kansas Criminal Division, Case No. 2015-CR-000378, on November 18, 2015 contained the following allegations:

a. Count One (Aggravated Sexual Battery): On, about or between October 29th and October 31st, 2010 Certificate holder unlawfully, feloniously and without consent touched Female One who was unconscious, physically powerless, or incapable of giving consent due to the effect of alcoholic liquor, narcotic, drug or other substance which condition was known by or reasonably apparent to the Certificate holder, with the intent to arouse or satisfy his sexual desires.

b. Count Two (Breach of Privacy): On, about or between October 29th and October 31st, 2010 Certificate holder knowingly and without lawful authority installed or used a concealed camcorder, motion picture camera or photographic camera to secretly videotape, film, photograph or record by electronic or other means under or through clothing being worn by Female 1 or while she was nude or in a state of undress, for the purpose of viewing the body of or the undergarments she wore without her consent or knowledge and with the intent to invade her privacy, under circumstances in which she had a reasonable expectation of privacy.

c. Count Three (Rape): On, about or between October 29th and October 31st, 2010 Certificate holder did unlawfully, feloniously and knowingly have sexual intercourse with Female 1 without her consent while she was unconscious physically powerless or was incapable of giving consent because of the effect of any alcoholic liquor, narcotic, drug or other substance, which condition was known by, or was reasonably apparent to Certificate holder.

d. Count Four (Aggravated Sexual Battery): Dismissed by the Court

e. Count Five (Breach of Privacy): On, about or between October 29th and October 31st, 2010 Certificate holder knowingly and without lawful authority installed or used a concealed camcorder, motion picture camera or photographic camera, to secretly videotape, film, photograph or record by electronic or other means under or through the clothing being worn by Female 1 or while she was nude or in a state of undress, for the purpose of viewing the body of or the undergarments worn by her without her consent or knowledge and with the intent to invade her privacy, under circumstances in which she had a reasonable expectation of privacy.

f. Count Six (Aggravated Sexual Battery): On or about September 18, 2010, Certificate holder unlawfully, feloniously and without consent touched Female 1 while she was unconscious or physically powerless, with the intent to arouse or satisfy the sexual desires of himself or another.

g. Count Seven (Aggravated Criminal Sodomy): On or about September 18, 2010, Certificate holder unlawfully, feloniously and without consent engaged in oral/anal copulation with Female 1 who was unconscious or physically powerless.

h. Count Eight (Breach of Privacy): On or about September 18, 2010, Certificate holder knowingly and without lawful authority installed or used a concealed camcorder, motion picture camera or photographic camera, to secretly videotape, film, photograph or record by electronic or other means under or through the clothing being worn by Female 1 or while she was nude or in a state of undress, for the purpose of viewing the body of or the undergarments worn by Female 1 without her consent or knowledge and with the intent

to invade her privacy, under circumstances in which she had a reasonable expectation of privacy.

i. Count Nine (Aggravated Sexual Battery): On, about or between June 1, 2010 and October 31, 2010 Certificate holder unlawfully, feloniously and without consent touched Female 1 while she was unconscious or physically powerless, with the intent to arouse or satisfy the sexual desires of himself or another.

j. Count Ten (Breach of Privacy): On, about or between June 1, 2010 and October 31, 2010 Certificate holder knowingly and without lawful authority installed or used a concealed camcorder, motion picture camera or photographic camera, to secretly videotape, film, photograph or record by electronic or other means under or through the clothing being worn by Female 1 or while she was nude or in a state of undress, for the purpose of viewing the body of or the undergarments worn by Female 1 without her consent or knowledge and with the intent to invade her privacy, under circumstances in which she has a reasonable expectation of privacy.

k. Count Eleven (Aggravated Sexual Battery): On, about or between June 1, 2010 and October 31, 2010 Certificate holder unlawfully, feloniously and without consent touched Female 1 while she was unconscious or physically powerless, with the intent to arouse or satisfy the sexual desires or himself or another.

l. Count Twelve (Breach of Privacy): On, about or between June 1, 2010 and October 31, 2010 Certificate holder knowingly and without lawful authority installed or used a concealed camcorder, motion picture camera or photographic camera, to secretly videotape, film, photograph or record by electronic or other means under or through the

clothing being worn by Female 1 while she was nude or in a state of undress, for the purpose of viewing the body of or the undergarments worn by Female 1 without her consent or knowledge and with the intent to invade her privacy, under circumstances in which she had a reasonable expectation of privacy.

m. Count Thirteen (Aggravated Sexual Battery): On, about or between June 1, 2010 and October 31, 2010 Certificate holder unlawfully, feloniously and without consent touched Female 1 while she was unconscious or physically powerless, with the intent to arouse or satisfy the sexual desires of himself or another.

n. Count Fourteen (Breach of Privacy): On, about or between June 1, 2010 and October 31, 2010 Certificate holder feloniously and without lawful authority installed or used a concealed camcorder, motion picture camera or photographic camera, to secretly videotape, film, photograph or record by electronic or other means under or through the clothing being worn by Female 1 or while she was nude or in a state of undress, for the purpose of viewing the body of or the undergarments worn by Female 1 without her consent or knowledge and with the intent to invade her privacy, under circumstances in which she has a reasonable expectation of privacy.

o. Count Fifteen (Aggravated Sexual Battery): On, about or between June 1, 2010 and October 31, 2010 Certificate holder unlawfully, feloniously and without consent touched Female 1 while she was unconscious or physically powerless, with the intent to arouse or satisfy the sexual desires of himself or another.

p. Count Sixteen (Breach of Privacy): On, about or between June 1, 2010 and October 31, 2010 Certificate holder knowingly and without lawful authority installed or used a

concealed camcorder, motion picture camera or photographic camera, to secretly videotape, film, photograph or record by electronic or other means under or through the clothing being worn by Female 1 or while she was nude or in a state of undress, for the purpose of viewing her body or her undergarments without her consent or knowledge and with the intent to invade her privacy, under circumstances in which she has a reasonable expectation of privacy.

q. Count Seventeen (Rape): Dismissed by the Court.

r. Count Eighteen (Breach of Privacy): On, about or between June 1, 2010 and October 31, 2010 Certificate holder knowingly and without lawful authority installed or used a concealed camcorder, motion picture camera or photographic camera, to secretly videotape, film, photograph or record by electronic or other means under or through the clothing being worn by Female 1 or while she was nude or in a state of undress, for the purpose of viewing the body of or the undergarments worn by Female 1 without her consent or knowledge with the intent to invade her privacy, under circumstances in which she has a reasonable expectation of privacy.

s. Count Nineteen (Aggravated Sexual Battery): On, about or between June 1, 2010 and October 31, 2010 Certificate holder unlawfully, feloniously and without consent touched Female 1 while she was unconscious or physically powerless, with the intent to arouse or satisfy the sexual desires of himself or another.

t. Count Twenty (Breach of Privacy): On, about or between June 1, 2010 and October 31, 2010 Certificate holder feloniously and without lawful authority installed or used a concealed camcorder, motion picture camera or photographic camera, to secretly

videotape, film, photograph or record by electronic or other means under or through the clothing being worn by Female 1 or while she was nude or in a state of undress, for the purpose of viewing her body or her undergarments without her consent or knowledge and with the intent to invade her privacy, under circumstances in which she had a reasonable expectation of privacy.

u. Count Twenty-one (Aggravated Sexual Battery): On, about or between June 1, 2010 and October 31, 2010 Certificate holder unlawfully, feloniously and without consent touched Female 1 while she was unconscious or physically powerless, with the intent to arouse or satisfy the sexual desires of himself or another.

v. Count Twenty-two (Breach of Privacy): On, about or between June 1, 2010 and October 31, 2010 Certificate holder knowingly and without lawful authority installed or used a concealed camcorder, motion picture camera or photographic camera, to secretly videotape, film, photograph or record by electronic or other means under or through the clothing being worn by Female 1 or while she was nude or in a state of undress, for the purpose of viewing her body or her undergarments without her consent or knowledge and with the intent to invade her privacy, under circumstances in which she had a reasonable expectation of privacy.

10. On or about March 23, 2016 Certificate holder entered into a Plea Agreement in the aforementioned criminal case, Case No. 15 CR 378 filed in The District Court of Lyon County, Kansas Criminal Division. In the Plea Agreement Certificate holder agreed by his signature to enter a plea of Guilty to Count One, Count Two, Count Five, Count Six and Count Eight. Certificate holder pled Guilty to two felonies and three misdemeanors.

11. In Kansas a guilty plea is treated as a conviction. *See* K.S.A. 21-5111, *State v. Hankins*, 49 Kan.App.2d 971 (2014) and *State v. Holmes*, 222 Kan. 212 (1977).

12. During the year of 2010, Certificate holder engaged in unlawful conduct with several females at his residence. More specifically, Certificate holder had sexual relations with multiple females and videotaped those encounters without their knowledge.

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

14. Certificate holder's acts, if proven, constitute unprofessional conduct as set forth in K.S.A.65-2912.

15. Certificate holder violated K.S.A. 65-2912(a)(2) in that Certificate holder has committed unprofessional and dishonorable conduct when he was convicted of a felony and has not been sufficiently rehabilitated to warrant the public trust.

16. Certificate holder violated K.S.A. 65-2912 as further defined by K.A.R. 100-29-12 by committing conduct likely to deceive, defraud, or harm the public when he committed aggravated sexual battery and breach of privacy when he had sexual relations with a female while she was unconscious or physically powerless and when he videotaped sexual relations with multiple females without their permission.

17. Pursuant to K.S.A. 65-2912, the Board may revoke, suspend, limit or censure Certificate holder's certificate and pursuant to K.S.A. 65-2916 the Board has the authority to impose administrative fines for violations of the Kansas Physical Therapy Practice Act.

18. According to K.S.A.65-2838(b) and K.S.A. 77-505, the Board has authority to enter into this Consent Order without the necessity of proceeding to a formal hearing.

19. Certificate holder further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Certificate holder 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 Certificate holder's license to practice as a physical therapist assistant in the State of Kansas. Certificate holder hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Certificate holder 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, Certificate holder retains the right to confront and examine all witnesses, present evidence, testify on his 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.*, the Kansas Healing Arts Act, K.S.A. 65-2801 *et seq.* and the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*

20. 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.

21. Certificate holder 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 Certificate holder has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Certificate holder shall not commence to prosecute, cause or permit to be prosecuted, any action or proceeding of any description against the Releasees.

22. Certificate holder further understands and agrees that upon signature by Certificate holder, this document shall be deemed a public record and shall be reported to any entities authorized to receive disclosure of this Consent Order.

23. 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.

24. Certificate holder 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 Certificate holder is not present. Certificate holder 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.

25. Certificate holder, 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.

26. Certificate holder acknowledges that he has read this Consent Order and fully understands the contents.

27. Certificate holder acknowledges that this Consent Order has been entered into freely and voluntarily.

28. Certificate holder shall obey all federal, state and local laws and rules governing the practice as a physical therapist 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.

29. Upon execution of this Consent Order by affixing a Board authorized signature below, the provisions of this Consent Order shall become an Order under K.S.A. 65-2838. This Consent Order shall constitute the Board's Final Order when filed with the office of the Executive Director for the Board and no further Order is required.

30. This Consent Order constitutes **public disciplinary action**.

31. The Board may consider all aspects of this Consent Order in any future matter regarding Certificate holder.

32. In lieu of conducting a formal proceeding, Certificate holder, by signature affixed to this Consent Order, hereby voluntarily agrees to the following disciplinary action against his license to engage in the practice as a physical therapist assistant.

SURRENDER

33. Licensee hereby surrenders his license to practice as a physical therapist assistant. Such surrender shall be treated as a revocation for all purposes including reporting. Certificate holder agrees that an application for reinstatement of the license will be considered in accordance with the provisions of K.S.A. 65-2844. Further, Licensee's application will be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, law, rules and regulations regarding qualifications for licensure and reinstatement.

34. Certificate holder acknowledges that pursuant to K.S.A. 65-2913, it shall be unlawful for Certificate holder to open or maintain an office for the purpose of practicing as a physical therapist assistant or to announce or hold out to the public the intention, authority, or skill to practice as a physical therapist assistant.

35. Certificate holder is prohibited from owning, managing, being employed by or in any way acting in an advisory capacity for any entity providing health care services.

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 23rd day of May, 2016.

FOR THE KANSAS STATE BOARD OF HEALING ARTS:

Kathleen Selzler Lippert
Executive Director

5/23/2016
Date

Jordan Leif Stanton, PTA
Certificate holder

5-17-16
Date

PREPARED AND APPROVED BY:

Joshana L. Offenbach, 23438
Associate Disciplinary Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
785-296-5940
joshana.offenbach@ks.gov

APPROVED BY:

Jordan L. Stanton

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I served a true and correct copy of the Consent Order for Surrender by United States mail, postage prepaid, on this 23rd day of May, 2016, to the following:

Jordan L. Stanton
Confidential
Wichita, KS 67037
Certificate holder

And the original was hand-delivered for filing to:

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

And a copy was hand-delivered to:

Joshana L. Offenbach
Associate Disciplinary Counsel
Kansas Board of Healing Arts
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Topeka, Kansas 66612

Katy Lenahan
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Kansas Board of Healing Arts
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Cathy A. Brown