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**COMMONWEALTH OF KENTUCKY
KENTUCKY BOARD OF LICENSURE FOR OCCUPATIONAL THERAPY
ADMINISTRATIVE ACTION NO. 09-KOTB-0250**

KENTUCKY BOARD OF LICENSURE
FOR OCCUPATIONAL THERAPY

PETITIONER

vs. **FINAL ORDER OF DEFAULT AND NOTICE OF APPEAL**

AMY K. CURRY
License No. R2276

RESPONDENT

* * * * *

The Kentucky Board of Licensure for Occupational Therapy has reviewed the Hearing Officer's Recommended Order dated January 27, 2010, and otherwise being sufficiently advised, has determined that the Recommended Order is supported by the record in this matter, and therefore adopts and incorporates the Recommended Order hereby as if set out in full. A copy of the Recommended Order is attached hereto.

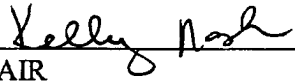
In accordance with the Recommended Order, the has Board has determined that the Respondent failed to respond to the Prehearing Conference Orders of the Hearing Officer, and by her actions is in default in this matter. Accordingly, pursuant to KRS 13B.080(6), it is hereby the ORDER of this Board that the allegations of the Complaint filed in this action are deemed to be fully admitted by the Respondent as true. By reason of this determination, the Board finds that the Respondent Curry has admitted to the commission of the violations set forth in the Complaint.

The Board further ORDERS that in accordance with KRS 319A.190(1), the OT License R2276 of AMY K. CURRY is hereby REVOKED.

The Notice to Parties of Appeal Rights are set out on the following page.

SO ORDERED the 4th day of February, 2010.

KENTUCKY BOARD OF LICENSURE FOR
OCCUPATIONAL THERAPY


CHAIR

NOTICE TO PARTIES OF APPEAL RIGHTS

Pursuant to KRS 13B.120(2):

the agency head may accept this recommended order and adopt it as the agency's final order, or it may reject or modify, in whole or in part, the recommended order, or it may remand the matter, in whole or in part, to the hearing officer for further proceedings as appropriate.

Pursuant to KRS 13B.120(4):

the agency head shall render a final order in an administrative hearing within ninety (90) days after the hearing officer submits a recommended order to the agency head, unless the matter is remanded to the hearing officer for further proceedings.

Pursuant to KRS 13B.140:

all final orders of an agency shall be subject to judicial review in accordance with the provisions of KRS Chapter 13B. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business.

Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal but an original action." Some courts have interpreted this language to mean that summons must be served when filing an appeal petition in the Circuit Court.

CERTIFICATE OF SERVICE

I hereby certify that the original of this FINAL ORDER was mailed this 8th
day of February, 2010, by certified mail, return receipt requested, to:

Amy K. Curry



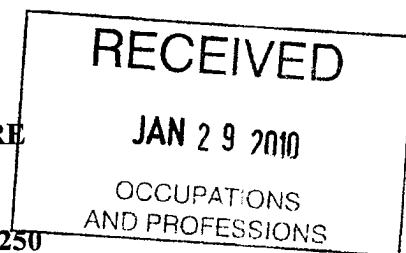
And, by first class mail to:

JAMES J. GRAWE
CIVIL DIVISION
OFFICE OF THE ATTORNEY GENERAL
CAPITOL BLDG., SUITE 118
700 CAPITOL AVE
FRANKFORT, KY 40601-3449

SUSAN S. DURANT
HEARING OFFICER
DIVISION OF ADMINISTRATIVE HEARINGS
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DRIVE
FRANKFORT, KENTUCKY 40601-8204

Julie Jackson
BOARD ADMINISTRATOR

COMMONWEALTH OF KENTUCKY
KENTUCKY STATE BOARD OF LICENSURE
FOR OCCUPATIONAL THERAPY
AGENCY CASE NO. 2007-02
ADMINISTRATIVE ACTION NO. 09-KOTB-0250



KENTUCKY STATE BOARD OF LICENSURE
FOR OCCUPATIONAL THERAPY

COMPLAINANT

vs.

**RECOMMENDED ORDER OF DEFAULT
NOTICE OF EXCEPTION AND APPEAL RIGHTS**

AMY K. CURRY
OT License No. R2276

RESPONDENT

* * * * *

On October 15, 2009, the Kentucky State Board of Licensure for Occupational Therapy issued a complaint against Amy K. Curry. The complaint stated that on four separate occasions Curry billed for services in regard to a patient, but no services were performed. The patient was out-of town on those dates.

On October 27, 2009, an Order Assigning Case, Setting Filing Requirements, and Scheduling Prehearing Conference was issued to Ms. Curry. The Order was sent to a Richmond, Kentucky, address but was returned by the postal service with a new address in Corbin, Kentucky. On November 3, 2009, the Order was reissued to the Corbin address. The Order set a prehearing conference to be held on November 20, 2009. Because the Hearing Officer had no telephone number for Ms. Curry, she was unable to reach Ms. Curry on November 20. Another Order was sent on November 23, reminding Ms. Curry that she must provide Administrative Hearings with a telephone number where she could be reached for a conference on January 8, 2010.

On December 21, 2009, Administrative Hearings received the Order of November 3 and the Order of November 23 back from the postal service. Both letters had a handwritten notation

that "Charles and Amy Curry do not live here" with stickers from the post office that the letters could not be delivered or forwarded.

At the January 8, 2010, prehearing conference, James J. Grawe, Civil Division, made an oral Motion for a Default Judgment for failure to participate. Mr. Grawe stated that the Complainant had sent the complaint to Ms. Curry at her last known address by certified mail return receipt requested as required under KRS 13B.050(2). Exhibit attached. He requested that the facts in the complaint be accepted as true and accurate and that the Board have the discretion to determine the proper penalty.

Having been sufficiently advised, IT IS HEREIN ORDERED that, pursuant to KRS 13B.080(6), the Complainant's Motion for a Default Judgment is granted.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110 (4) you have the right to file exceptions to this recommended decision:

(4) A copy of the hearing officer's recommended order shall also be sent to each party in the hearing and each party shall have fifteen (15) days from the date the recommended order is mailed within which to file exceptions to the recommendations with the agency head.

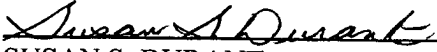
You have a right to appeal the Final Order of the agency pursuant to KRS 13B.140 which reads in part:

(1) All final orders of an agency shall be subject to judicial review in accordance with the provisions of this chapter. A party shall institute an appeal by filing a petition in the Circuit Court of venue, as provided in the agency's enabling statutes, within thirty (30) days after the final order of the agency is mailed or delivered by personal service. If venue for appeal is not stated in the enabling statutes, a party may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides or operates a place of business. Copies of the petition shall be served by the petitioner upon the agency and all parties of record. The petition shall include the names and addresses of all parties to the proceeding and the agency involved, and a statement of the grounds on which the review is requested. The petition shall be accompanied by a copy of the final order.

Pursuant to KRS 23A.010(4), "Such review [by the Circuit Court] shall not constitute an appeal

but an original action." The Court of Appeals has suggested that an appeal to circuit court is commenced upon the filing of the appeal petition and the issuance of a summons within the 30-day time period for filing an appeal.

SO ORDERED this 27th day of January, 2010.



SUSAN S. DURANT
HEARING OFFICER
ADMINISTRATIVE HEARINGS BRANCH
OFFICE OF THE ATTORNEY GENERAL
1024 CAPITAL CENTER DR., STE. 200
FRANKFORT, KY 40601-8204
(502) 696-5442
(502) 573-1009 - FAX

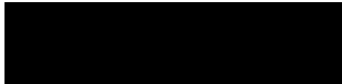
CERTIFICATE OF SERVICE

I hereby certify that the original of this ORDER was mailed this 28th day of January, 2010, by messenger mail, to:

JULIE JACKSON
BOARD ADMINISTRATOR
KY STATE BOARD OF LICENSURE
FOR OCCUPATIONAL THERAPY
911 LEAWOOD DR
PO BOX 1360
FRANKFORT KY 40602

for filing; and, a true copy was sent by first class mail, postage prepaid, to:

AMY K CURRY



and, by messenger mail, to:

JAMES J GRAWE
CIVIL DIVISION
OFFICE OF THE ATTORNEY GENERAL
CAPITOL BLDG STE 118
700 CAPITAL AVE
FRANKFORT KY 40601-3449



DOCKET COORDINATOR