

EFFECTIVE AS A FINAL ORDER

FILED

DATE: 5.28.2025

MAY 06 2025

BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

KS State Board of Healing Arts

In the Matter of)	
)	KSBHA Docket No. 25-HA <u>00014</u>
Briley Giamalva, O.T.A.)	
Kansas License No. 18-01594)	

SUMMARY ORDER

NOW ON THIS 6th day of May, 2025, this matter comes before Susan Gile, Executive Director, Kansas State Board of Healing Arts ("Board"), in summary proceedings under K.S.A. 77-537.

Under K.S.A 77-537 and K.S.A. 77-542, this Summary Order shall become effective as a Final Order, without further notice, if no written request for a hearing is made within 15 days of service. Upon review of the agency record and being duly advised on 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. On or about April 10, 2019, the Board issued License No. 18-01594 to Briley D. Giamalva, O.T.A. ("Licensee") to practice as an occupational therapy assistant in Kansas. Licensee's license was last reinstated as Active on or about November 20, 2024. Licensee's license to practice as an occupational therapy assistant in Kansas is currently Expired.

2. Licensee's last mailing address known to the Board is: **CONFIDENTIAL**

CONFIDENTIAL i. Licensee's last known e-mail address known to the Board is:

CONFIDENTIAL i.

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CONFIDENTIAL

- a. On or about February 20, 2024, [Licensee] was arrested and charged with Driving Under the Influence (“DUI”) in Andrew County, Missouri. [Licensee] is currently serving two years of supervised probation with a suspended imposition of sentence. (*Id* p. 1-3).
- b. On May 3, 2024, [Licensee] was again arrested for a second DUI in Nodaway County, Missouri. [Licensee] pled guilty to a single count of DUI on September 3, 2024, and was placed on a two-year supervised probation with a suspended imposition of sentencing. (*Id*).

c. **CONFIDENTIAL**

d.

- e. [Licensee] failed to disclose the two DUI arrests that occurred around 2019 in her annual renewal application. (*Id*).

f. **CONFIDENTIAL**

g.

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APPLICABLE LAW

11. CONFIDENTIAL

CONFIDENTIAL Under K.S.A. 65-5410(a)(4) the Board may suspend, revoke, limit or take other action against a Licensee's license for violation of a lawful order of the board.

CONCLUSIONS OF LAW

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

13. Based on the facts and circumstances set forth herein, 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 law, and the protection of the public interest does not require the Board to give notice and opportunity to participate to non-parties.

14. The Board finds that Licensee has violated section 65-5410(a)(4) of the Kansas Occupational Therapy Act, in that Licensee has violated a lawful order of the Board, CONFIDENTIAL

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15. The Board has authority to revoke Licensee's license to practice as an occupational therapy assistant in the State of Kansas pursuant to K.S.A. 65-5410(a)(4).

IT IS HEREBY ORDERED that Licensee's license to practice as an occupational therapy assistant in the State of Kansas is hereby **REVOKED** from the date this Order becomes effective as a Final Order.

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 10th day of May, 2025.

KANSAS STATE BOARD
OF HEALING ARTS

Susan Gile

Susan Gile
Executive Director

Briley D. Giamalva, O.T.A.
License No. 18-01594
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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 Susan Gile, 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 I served a true and correct copy of the above and foregoing **FINAL ORDER** by depositing the same in the United States Mail, postage prepaid, on this 28th day of May 2025, addressed and emailed to:

Briley Giamalva, O.T.A.

CONFIDENTIAL

Licensee


And a copy was hand-delivered to:

Jacob Overbey, Associate Litigation Counsel
Kansas State Board of Healing Arts
800 SW Jackson, Lower Level-Suite A
Topeka, Kansas 66612
@ks.gov

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.


Staff Signature