



BEFORE THE BOARD OF HEALING ARTS
OF THE STATE OF KANSAS

In the Matter of)	
)	KSBHA Docket No. 24-HA00008
Biagio D. Mazza, P.T.,)	
Kansas License No. 11-03060)	

**CONSENT ORDER FOR
SURRENDER OF LICENSE IN LIEU OF REVOCATION**

COMES NOW Disciplinary Panel #35 ("Petitioner"), by and through C. Sebastian Thomas Orosco, Associate Litigation Counsel, and Biagio D. Mazza, P.T. ("Licensee"), by and through Kelli Stevens, Attorney for Licensee, and moves the Board for approval of this Consent Order affecting Licensee's license to practice physical therapy in Kansas. The parties stipulate and agree to the following:

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

2. At all times relevant to the allegations set forth in this Consent Order, Licensee has held a Kansas license to practice physical therapy, having originally been issued license No. 11-03060 on or around August 20, 2001. Licensee's status is currently Inactive.

3. This Consent Order is based on the following facts, which the parties agree to and stipulate to be true and relevant to the requested relief:

Violation of Board Order

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License No. 11-03060

a. **CONFIDENTIAL**

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h. **CONFIDENTIAL**

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m. **CONFIDENTIAL**

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q. **CONFIDENTIAL**

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v. On September 1, 2023, the Board issued an order temporarily suspending Licensee's license to practice physical therapy. (Bd. Ex. 16 – Emergency

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Order of Suspension and Emergency Proceedings issued September 1, 2023).

- w. On October 3, 2023, the Board issued an order terminating the suspension of Licensee's license to practice physical therapy. (Bd. Ex. 17 – Journal Entry Denying Motion to Rescind the Emergency Order of Suspension and Lifting the Emergency Suspension With Conditions).

x.

CONFIDENTIAL

- y. On or about January 17, 2025, Licensee pled "guilty" and was convicted of Driving Under the Influence, 3rd Offense, a severity level 6 nonperson felony under Kansas law, in the Tenth Judicial District Court, Johnson County, Kansas. The court sentenced Licensee to seventeen (17) months in the custody of the Kansas Department of Corrections, which was suspended to twenty-four (24) months of supervised probation with community corrections. (Bd. Ex. 19 – Journal Entry of Conviction filed February 12, 2025).

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4. Licensee has committed an act or acts of unprofessional conduct in violation of the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*, and/or applicable rules and regulations adopted by the Board. Specifically,

- a. K.S.A. 65-2912(a)(5), **CONFIDENTIAL** in that Licensee practiced physical therapy without reasonable skill and safety **CONFIDENTIAL**

CONFIDENTIAL

- b. K.S.A. 65-2912(a)(2), in that Licensee was convicted of a felony and has not been sufficiently rehabilitated to warrant the public trust.
- c. K.S.A. 65-2912(a)(5), under the guidance of *State v. Foote*, 200 Kan. 447 (1968), in that Licensee committed multiple acts of unprofessional conduct by repeatedly violating **CONFIDENTIAL** a lawful Order of the Board.

5. Licensee acknowledges that the Board has sufficient evidence to prove that Licensee has violated the Kansas Physical Therapy Practice Act with respect to the above allegations. Licensee further waives his right to dispute or otherwise contest the allegations contained in the above paragraphs in any further proceeding before this Board.

6. Licensee voluntarily and knowingly waives his right to a hearing. Licensee 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. Licensee

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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. All ~~CONFIDENTIAL~~ materials **CONFIDENTIAL** regarding Licensee were fully reviewed and considered by the Board members who serve on the Board's Disciplinary Panel No. 35. Disciplinary Panel No. 35 authorized and directed Board counsel to seek settlement of this matter with the provisions contained in this Consent Order.

8. As set forth in 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.

9. 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 a lawful Order and/or directive of the Board.

10. This Consent Order shall not be binding on the Board until an authorized signature is affixed at the end of this document. Licensee specifically acknowledges that counsel for the Board is authorized to sign this Consent Order on behalf of the Board.

11. Licensee further understands and agrees that if the Board finds, after due written notice and an opportunity for a hearing, that Licensee 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 Licensee's license to practice as a physical therapist in the state of Kansas. Licensee hereby expressly understands and agrees that, at any such hearing, the sole issue shall be whether or not Licensee 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,

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Licensee 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.*, and the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*

12. The Board is the sole and exclusive administrative agency in the State of Kansas authorized to regulate the practice of physical therapy. K.S.A. 65-2901 *et seq.*

13. The Kansas Physical Therapy Practice Act is constitutional on its face and as applied in this case. Licensee agrees that in considering this matter the Board is not acting beyond its jurisdiction as provided by law.

14. Licensee hereby releases the Board, its individual members (in their official and personal capacity), attorneys, employees, and agents (collectively, "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 Licensee has claimed to have had at the time of this release or might have had, either known or unknown, suspected or unsuspected, and Licensee shall not commence to prosecute, cause, or permit to be prosecuted, any action or proceeding of any description against the Releasees.

15. 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.

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16. Nothing in this Consent Order shall be construed to deny the Board jurisdiction to investigate alleged violations of the Kansas Physical Therapy Practice Act, K.S.A. 65-2901 *et seq.*, or to investigate complaints received under Risk Management Laws, 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 violation of the Kansas Physical Therapy Practice Act.

17. Licensee acknowledges he has read this Consent Order and fully understands the contents.

18. Licensee acknowledges that this Consent Order has been entered into freely and voluntarily.

19. Licensee shall obey all federal, state and local laws and rules governing the practice of physical therapy in Kansas which may be in place at the time of execution of this Consent Order or may become effective after the execution of this document.

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

21. Licensee 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 Licensee is not present. Licensee 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.

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22. Licensee, 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.

23. The Board may consider all aspects of this Consent Order in any future matter regarding Licensee.

24. 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 Order when filed with the office of the Executive Director for the Board and no further Order is required.

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

26. In lieu of conducting a formal proceeding, Licensee, by signature affixed to this Consent Order, hereby voluntarily agrees to the following:

SURRENDER OF LICENSE

27. In lieu of conducting a formal proceeding, Licensee hereby **voluntarily agrees to surrender Kansas License No. 11-03060 authorizing him to practice physical therapy.**

28. Licensee agrees:

- a. that an application for reinstatement of a license to practice in Kansas shall not be considered by the Board until the expiration of a three (3) year term commencing from the effective date of this Consent Order;
- b. that upon the Board's consideration for the reinstatement of Licensee's license to practice in Kansas the burden of proof by clear and convincing evidence shall be on the applicant to show sufficient rehabilitation to justify reinstatement, and any such consideration on the Board's part shall be governed by *Vakas v. The Kansas Board of Healing Arts*, 248 Kan. 589 (Kan. 1991), and all applicable statutes, laws, rules and regulations regarding qualifications for licensure and reinstatement.

29. Licensee acknowledges and understands that in the event he applies for reinstatement, the allegations contained in this Consent Order shall be considered as findings of fact and conclusions of law.

30. Approving the proposed Consent Order will resolve pending **ICONFIDENTIAL** **CONFIDENTIAL** without the need for litigation, thereby promoting judicial efficacy and making good use of limited resources. Furthermore, approving the proposed Consent Order will further the Board's mission of protecting the public against the unprofessional, improper, unauthorized, and unqualified practice of the healing arts by immediately removing Licensee's authority to practice medicine and surgery in Kansas.

31. A Protective Order shall be entered to protect all confidential information under 42 C.F.R. Part II, K.S.A. 65-2839a(d), K.S.A. 65-4915, and K.S.A. 65-2898a.

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IT IS THEREFORE ORDERED that this 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 and

IT IS FURTHER ORDERED that Licensee's license to practice physical therapy in Kansas, License No. 11-03060 be **VOLUNTARILY SURRENDERED**.

IT IS FURTHER ORDERED that within 30 days of the execution of this Consent Order Licensee shall place all patient medical records in the custody of another licensed practitioner of physical therapy, or a records maintenance facility, and provide the Board with all required notices, in compliance with K.A.R. 100-24-2 and 100-24-3.

IT IS SO ORDERED on this 10th day of October, 2025.

Respectfully submitted,

**FOR THE KANSAS STATE
BOARD OF HEALING ARTS:**


~~Executive Director~~ *Presiding Officer*
Dr. Mark Balderston, D.C.

10-10-25
Date

Signed by:
Biagio Mazza
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Biagio D. Mazza, P.T.
Licensee

8/27/2025
Date

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PREPARED BY:

/s/ C. Sebastian Thomas Orosco

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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the **CONSENT ORDER FOR SURRENDER OF LICENSE IN LIEU OF REVOCATION** by () placing the same in the U.S. mail, postage prepaid, () facsimile to the phone numbers listed below, and that the transmission was reported as complete and without error and that the facsimile machine complied with Supreme Court Rule 119(b)(3), or () hand delivery, on this the 10th day of October, 2025, to the following:

Biagio D. Mazza, P.T.

CONFIDENTIAL

Licensee

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Attorney for Licensee

And the original was hand-filed with:

Office of the Executive Director
Kansas Board of Healing Arts
800 SW Jackson, Lower Level – Suite A
Topeka, Kansas 66612



Staff Member

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