

BEFORE THE KANSAS STATE BOARD OF NURSING  
LONDON STATE OFFICE BUILDING  
900 S.W. JACKSON, ROOM 551-S  
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF: )

ELIZABETH ANN WEIL )  
R.N. APPLICANT )

CASE NO. 94-0608-3

**INITIAL ORDER**

Now on this 14th day of December, 1995, the above-captioned matter comes on for a hearing before Terry E. Beck, the Board's designated Hearing Officer, on the Application For Examination And Licensure As A Registered Nurse of Elizabeth Ann Weil. The Petitioner appears by and through Assistant Attorney General Mark S. Braun, Disciplinary Counsel for the Board. The Respondent, Elizabeth Ann Weil, appears in person and without counsel. The hearing is conducted by a telephone conference.

The Hearing Officer inquires if there are any preliminary matters. Petitioner's counsel states there are. Petitioner's counsel informs the Hearing Officer of the following: (1) that a neither a Notice of Hearing or Petition was given to the Respondent in this matter; (2) the parties have had numerous contacts in this case; (3) that Petitioner's counsel advised the Respondent that she is entitled to a minimum of ten (10) days notice in these

proceedings; (4) that the Respondent indicated she will waive the notice requirement and proceed to hearing; and (5) that the parties have worked out an agreement they wish to present to the Hearing Officer for approval and resolution in this case.

The Hearing Officer inquires of the Respondent if she understands what Petitioner's counsel has stated. Respondent indicates she does understand the statements by counsel. The Hearing Officer inquires of the Respondent whether she is in agreement with the statements of counsel. Respondent states that she is in agreement with the statements.

The Hearing Officer directs Petitioner's counsel to state any grounds upon which the Respondent's application for licensure should be denied, or what, if any action against the Respondent or her license should be taken.

Petitioner's counsel states that the Respondent submitted her initial application for licensure, but to question 9, which asks the applicant whether the applicant has ever been convicted of a crime other than a traffic violation, the Respondent stated "NO." In conducting an investigation of the Respondent, it was discovered that the Respondent had been convicted of forgery (Class E felony) in Reno County, Kansas (Case No. 85 CR 397). Further, during discussions with the Respondent, she indicated she had also been convicted of a misdemeanor bad check charge in Lyon County, Kansas. The violation of the Kansas Nurse Practice Act alleged is that the Respondent committed fraud and deceit in attempting to procure a

license to practice nursing by failing to truthfully advise Board of those convictions, in violation of K.S.A. 65-1120(a)(1).

The Hearing Officer informs the Respondent that she is entitled to obtain an attorney in these proceedings, and that she is entitled to a hearing on the issue of the allegations of violations of the Kansas Nurse Practice Act. Respondent states that she understands those rights and wishes to proceed with this hearing.

The Hearing Officer inquires of the Respondent whether she admits or denies the allegation charged by the Petitioner regarding the failure to disclose the convictions. Respondent admits the allegations.

The parties inform the Hearing Officer that they have reached an agreed disposition in this matter. Petitioner's counsel states the terms of that agreement. The Hearing Officer inquires of the Respondent if she understands the disposition and if she is in agreement with that disposition. Respondent states she understands and is in agreement with the disposition.

#### **FINDINGS OF FACT**

1. The Respondent submitted an application to practice as a registered nurse (R.N.) in the State of Kansas.

2. The Board of Nursing received information and conducted an investigation into whether the Respondent violated the Kansas Nurse Practice Act.

3. Question No. 9 on the application asked the Respondent whether she had ever been convicted of a crime other than a traffic

violation. The question also seeks an explanation to a "yes" answer. Respondent answered the question by stating "NO" on the application.

4. Respondent was convicted of a felony, forgery, in Reno County District Court Case No. 85 CR 397. Respondent admitted to this conviction.

5. Respondent was convicted of a misdemeanor check charge in Lyon County. Respondent admitted to this conviction.

6. Respondent failed to disclose these convictions on her application for licensure.

7. Respondent has been informed of her rights to appeal or seek reconsideration of this order. Respondent has stated that she wishes to waive those appeal and reconsideration rights, the 30 day effective date of the order, the notice of her appeal rights and relief from the order and requests that this order become effective upon signing by the Hearing Officer.

#### CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction over the Respondent and the subject matter of these proceedings through the Respondent's application for licensure and the allegations of violations of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

2. The Respondent has waived the ten (10) day notice requirement in these proceedings and appeared by telephone for this hearing.

3. The Board, and by designation its Hearing Officer, has the authority pursuant to the Kansas Nurse Practice Act K.S.A. 65-

1113 et seq., and the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq., to take disciplinary action against an individual or license pursuant to K.S.A. 65-1120, after a finding that the applicant or licensee has violated the Act..

4. Based upon the Respondent's admission, she has violated the Kansas Nurse Practice Act, specifically, K.S.A. 65-1120(a)(1), committing fraud and deceit in attempting to procure a license to practice nursing in the State of Kansas, by failing to disclose two criminal convictions on her application.

#### FINAL ORDER

Based upon the Findings of Fact, Conclusions of Law and the recommendations of the parties, IT IS THEREFORE ORDERED that the Respondent's application for licensure as a registered professional nurse (R.N.) in the State of Kansas is hereby granted. Said license is immediately suspended for a period of one year. The suspension is stayed allowing the Respondent to practice as a registered professional (R.N.) in the State of Kansas, as long as Respondent meets the following conditions:

A. Respondent is required to enroll and participate in the Kansas Nurse Assistance Program (KNAP), of Professional Advisory Services, 6005 Martway, Suite 100, Mission, Kansas, (913) 236-7575. Respondent shall make contact with Ms. Etta Williams or Ms. Kristin Piper, of KNAP within ten (10) days of receipt of this order.

B. Respondent shall cause any and all employers, through her nearest nursing supervisor of any and all employers, to submit

quarterly reports of the Respondent's performance to the Board of Nursing's Practice Specialist. The first report shall be due April 20, 1996, covering the period of January - March, 1996. Subsequent reports shall be due July 20, 1996; October 20, 1996; and January 20, 1997.

C. Respondent is assessed costs of these proceedings in the amount of thirty-five dollars (\$35.00), to be paid no later than December 14, 1996. Said amount is to be paid by money order or cashier's check made payable to the Board of Nursing.

Respondent has waived her rights to appeal or reconsideration of this order, the 30 days in which to seek appeal or reconsideration, and the notice of relief from the order and appeal rights. Therefore, IT IS FURTHER ORDERED that this order shall be effective the date the Hearing Officer signs the order.

IT IS SO ORDERED THIS 15th DAY OF DECEMBER, 1995.



Terry E. Beck  
Hearing Officer

Prepared and Submitted by:



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Disciplinary Counsel  
Assistant Attorney General  
Disciplinary Counsel  
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**CERTIFICATE OF SERVICE**

This document was filed on the 15th day of December, 1993, at  
the Superior Court and deposited here of the State of  
United States with the Clerk of the Court. The following  
follows:

Elizabeth Ankwelt  
101 S. 11th Street  
SALT LAKE CITY, UTAH 84143

*Mark S. Braun*

Mark S. Braun