

**FILED**

**FEB 06 2008**

**KSBN**

**BEFORE THE KANSAS STATE BOARD OF NURSING**

Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

*Handwritten notes and signatures in the top right corner, including what appears to be a signature and some illegible text.*

**IN THE MATTER OF  
ALICE J. MARTIN  
License No. 13-043513-012**

**Case No. 08-006-0**

**CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER**

NOW ON THIS 5<sup>th</sup> day of February, 2008, the Kansas State Board of Nursing, represented by Assistant Attorney General, Alma A. Heckler, and the Licensee, Alice J. Martin, hereby enter into this agreement and proffer evidence and the hearing officer adopts those recommendations and makes the following findings of fact and orders:

**AGREED FINDINGS OF FACT**

The hearing officer makes the following findings of fact based on the evidence presented and statements of the parties.

1. Licensee is licensed to practice nursing in Kansas through 1/31/2010. The Kansas State Board of Nursing (KSBN) has jurisdiction over the licensee and the subject matter of this action.
2. Licensee's address of record is 4117 Mercier, Kansas City, MO 64111.
3. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120 is established.
4. The Board has requested that a petition be filed to take disciplinary action against the licensee's license.
5. Following a petition being filed by the Board, a hearing would also be held at a later date at which time the Board would have to prove that licensee violated K.S.A. 65-1120(a).

6. Licensee has the right to these hearings and the right to seek review of the findings from the hearings in accordance with the Kansas Administrative Procedure Act and the Act for Judicial Review and Civil Enforcement of agency actions. Licensee is waiving those rights and knowingly and voluntarily entering into this agreement instead of proceeding to these hearings. This agreement will conclude Board action pending at this time against licensee's license.

7. Licensee understands that pursuant to K.S.A. 77-515, licensee may be represented at licensee's expense by, an attorney during these proceedings.

8. (a) Licensee was selected for a Continuing Nurses Education (CNE) audit when she renewed her license on line. Licensee applied to have her license reinstated on or about April 23, 2007. She renewed her license on 12/12/07 but the license expiration date was 1/31/2008, more than ninety (90) days after her reinstatement. Licensee was required to complete thirty (30) hours of CNE. Licensee was notified on 12/12/07, 12/14/07 and 1/7/08. The licensee submitted fourteen (14) CNE hours but has not submitted the last sixteen (16) hours. The licensee returned the paper copy of her license but remains licensed to practice at this time.

(b) The licensee sent a letter to the board 1/15/2008 stating her wish to surrender her license.

#### **CONCLUSIONS OF LAW**

9. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

10. Respondent has violated the Kansas Nurse Practice Act as follows:

(a) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(b), K.S.A. 65-1117 and K.A.R. 60-9-106, assuming duties and responsibilities within the practice of nursing

without making or obtaining adequate preparation or maintaining competency by failing to submit proof of completion of 30 contact hours of approved Continuing Nursing Education.

**POLICY STATEMENT**

11. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

**DISPOSITION**

12. Based upon this agreement, the parties agree that Licensee is surrendering licensee's license to practice nursing in the state of Kansas.

13. Based upon this agreement, and pursuant to the disciplinary remedies available in K.S.A. 65-1120, the parties agree that Licensee's license to practice nursing in Kansas is immediately revoked. Licensee shall not practice nursing in the state of Kansas.

14. The Board will report this surrender and revocation to data banks, other entities, and in its newsletter. This is a disciplinary action on licensee's license. The original of this document shall be kept in the Board's agency file and its contents may be disclosed to the public upon request.

15. If licensee does seek reinstatement of licensee's license, the agreed facts and listed violations are admitted, licensee has waived the right to a hearing on the facts in this matter, however to receive a reinstatement of licensee's license the licensee will have the opportunity at that time to prove licensee's fitness to practice nursing in Kansas.

16. The hearing/presiding officer whose signature appears below has been designated pursuant to K.S.A. 77-514 and K.S.A. 77-526 to act on behalf of the Board/agency head and to hear discipline cases on behalf of the Board/agency head and to render either initial orders or final orders, if by agreement of both parties, in those discipline cases.

17. By their signatures, the parties hereby acknowledge this agreement.

IN WITNESS WHEREOF, the parties hereto execute this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER.



CERTIFICATE OF SERVICE

On the 16<sup>th</sup> day of February, 2008, I mailed a copy of this CONSENT AGREEMENT TO SURRENDER AND REVOKE LICENSE AND FINAL ORDER to:

Alice J. Martin  
4117 Mercier  
Kansas City, MO 64111



Alma A. Prockler, #11555  
Assistant Attorney General