

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

NOV 18 2011

KSBN

**IN THE MATTER OF  
CARMEN R. CLARK (Armstrong)  
License No. 13-065988-012**

**Case No. 06-062-4, and 08-367-4**

**SUMMARY ORDER**

Now this 18<sup>th</sup> day of November, 2011, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the licensed practical nurse license of Carmen R. Clark (Armstrong), (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. (a) Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 1/31/2012. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Licensee's address of record is 209 W. Olive Ave., Eldorado, Kansas 67042.

(c) On or about 8/6/2008, Licensee entered a Consent Agreement and Final Order (Consent Agreement), with Board to resolve case numbers 06-062-4, and 08-367-4. The effective date of the Consent Agreement was 8/6/2008. The Consent Agreement remains in effect until such time as the Licensee completes all conditions and requirements of the Consent Agreement. Licensee has not completed all the conditions and requirements of the Consent Agreement.

(d) Pursuant to the 8/6/2008 Consent Agreement, Licensee's license to practice nursing in Kansas was suspended. The suspension was stayed so long as Licensee continued to meet the conditions and requirements of the Consent Agreement.

(e)

(f)

Licensee failed to report that she was employed at Lakepoint in Eldorado, Kansas since January 2011, and even though Licensee denied employment since December 2010, Licensee submitted employer evaluations from Lakepoint beginning in January 2011 and continuing to present.

the facility reported the signature on the employer evaluations had been forged.

(g) Pursuant to the Consent Agreement should the Stay of Suspension be lifted due to a finding of non-compliance with the Consent Agreement, the Suspension will not again be Stayed until the Licensee has, following the prescribed time period of suspension, provided written verification to the Board that Licensee is in compliance with all conditions and requirements of the Consent Agreement.

### CONCLUSIONS OF LAW

2. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(a) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110(s).

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.

4. Licensee's conduct described herein violates the Consent Agreement in case number 06-062-4, and 08-367-4, dated 8/6/2008.

5. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

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

### **IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**

**1. The Stay of Suspension is lifted from Licensee's license due to a finding of non-compliance with Consent Agreement and Final Order in case numbers 06-062-4, and 08-367-4, dated 8/6/2008.**

**2. Licensee's license to practice nursing in the state of Kansas is suspended for a period of six (6) months beginning on the effective date of this summary order, and the Suspension will not again be Stayed until the Licensee has, following the prescribed time period of suspension, provided written verification to the Board that Licensee is in compliance with all conditions and requirements of the Consent Agreement.**

**3. Licensee shall not practice nursing in the state of Kansas until the suspension has again been stayed.**

Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.

Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

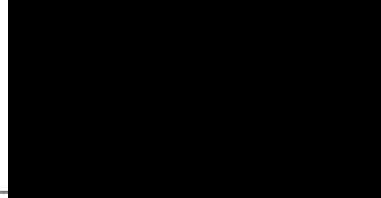


Judith Hiner, RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 18<sup>th</sup> day of November, 2011, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Carmen R. Clark  
209 W. Olive Ave.  
Eldorado, Kansas 67042



Alma A. Heckler, #11555  
Assistant Attorney General