

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**JUL 26 2011**

**IN THE MATTER OF**

**MARY B. FUQUA**

**License No. 13-066768-092**

**KSBN**

**Case No. 06-728-7, 06-882-7**

**PROPOSED DEFAULT ORDER TO SUSPEND LICENSE**

NOW ON THIS 26th day of July, 2011, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 9/30/2012. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order suspending respondent's license for a period of one year or until she comes into compliance with all of the requirements of the April 24, 2008 Consent Agreement and Final Order. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is suspended for one year from the effective date of this order or until she comes into compliance with all of the requirements of the April 24, 2008 Consent Agreement and Final Order. Respondent may not practice nursing in Kansas.

6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas registered nurse license to the Kansas State Board of Nursing.
8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.
9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
10. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

**IT IS SO ORDERED.**

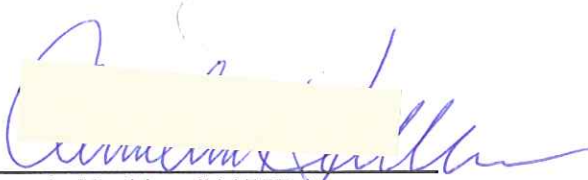
  
Sandra L. Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

#### **NOTICE**

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30<sup>th</sup> day following its service.

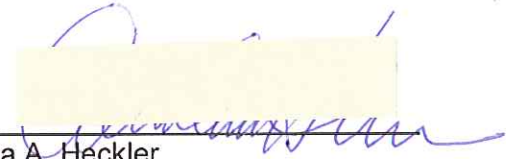
Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.

  
Alma A. Heckler, #11555  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

**CERTIFICATE OF SERVICE**

I certify that on the 26<sup>th</sup> day of July, 2011, the foregoing copy of the Proposed Default Order Suspending License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Mary B. Fuqua  
2806 N 109 Terr.  
Kansas City, KS 66109

  
Alma A. Heckler  
Assistant Attorney General



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**IN THE MATTER OF  
MARY B. FUQUA  
License No. 13-066768-092**

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**Case No. 06-728-7, 06-882-7**

**PETITION TO LIFT STAY OF SUSPENSION**

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent, Mary B. Fuqua, is licensed to practice nursing in Kansas through 9/30/2012. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 2806 N 109 Terr, Kansas City, KS 66109.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. 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.

**FACTS COMMON TO ALL COUNTS**

5. The facts below are common to all counts:
  - (a) Respondent entered a Consent Agreement and Final Order on or about April 24, 2008 with the Kansas State Board of Nursing to resolve case numbers 06-728-7 and 06-882-7. The Consent Agreement and Final Order remain in effect until such time as the Respondent completes all conditions and requirements of the Consent Agreement and Final Order.

(b) The April 24, 2008 Consent Agreement and Final Order provide upon a second or subsequent finding of non compliance with the conditions or requirements of this Consent Agreement and Final Order, the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas, shall be lifted for a period of one year from the date of said finding.

(c) The April 24, 2008 Consent Agreement and Final Order provide upon the Stay of Suspension being lifted due to a finding of non-compliance with the Consent Agreement and Final Order, the Suspension will not again be Stayed until the Respondent has, following the prescribed time period of suspension, provided written verification to the Board that Respondent is in compliance with all conditions and requirements of this Consent Agreement and Final Order. Upon the Respondent providing said written verification the suspension will again be stayed.

(d) On or about February 13, 2009 Respondent was found to be non-compliant with the April 24, 2008 Consent Agreement and Final Order. The stay on her license was lifted and her license was suspended for six months. The suspension of her license was stayed again on April 17, 2010.

(e) Conditions of the April 24, 2008 Consent Agreement and Final Order include a condition that the Respondent participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP).

(f) Respondent became noncompliant with KNAP when her case with KNAP was closed for non-compliance on March 23, 2011. Respondent has not attended the 12 Step meetings and the Month Monitoring meetings since January of 2011. Respondent has only completed one of the four employer quarterly reports required by the April 24, 2008 Consent Agreement and Final Order.

### VIOLATIONS

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

Count 1: 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.

Count 2: 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).

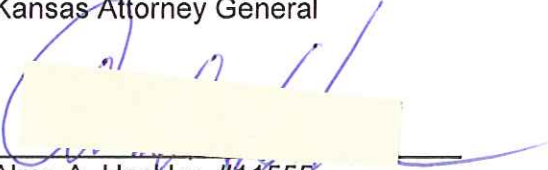
Count 3: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

WHEREFORE, petitioner requests the stay of suspension of respondent's nursing license be lifted for a period of one year, costs of this action should be assessed to the respondent in the amount of \$70.00, and suspension of respondent's nursing license not again be stayed until one year has past and respondent has provided written verification to the Board that respondent is in compliance with all conditions and requirements of the April 24, 2008 Consent Agreement and Final Order.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By:

  
Alma A. Heckler, #11555  
Assistant Attorney General