

BEFORE THE KANSAS STATE BOARD OF NURSING

FILED
JUN 18 2014
KSBN

IN THE MATTER OF
LILLIAN R. JASSO
License No. 13-108123-031

Case No. 12-1287-4
OAH No. 14BN0122

INITIAL ORDER

Now on this 27th day of May 2014, the above-captioned matter comes on for a prehearing conference before the Kansas State Board of Nursing (Board/Petitioner). Pursuant to K.S.A. 75-516, the prehearing conference was converted into a hearing.

Sandra L. Sharon was duly appointed Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Lillian R. Jasso, appears in person.

Findings of Fact

1. The respondent enrolled with the Kansas Nurse Assistance Program (KNAP) on August 10, 2010. Her case with KNAP was closed for noncompliance on June 28, 2011.
2. On October 10, 2013, the respondent entered into a Diversion Agreement with the Board.
3. Within the Diversion Agreement, the respondent admitted violations of the Kansas Nurse Practice Act at:
 - K.S.A. 65-1120(a)(4) – being unable to practice nursing with skill and safety due to current use of drugs or alcohol;
 - K.S.A. 65-1120(a)(6) – unprofessional conduct as outlined at K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency;
 - K.S.A. 65-1120(a)(6) – unprofessional conduct by violation of K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the Board;
 - K.S.A. 65-1120(a)(6) – unprofessional conduct by violation of K.A.R. 60-3-110(c), failing to take appropriate action or follow policies and procedures in the practice situation designed to safeguard each patient.

4. The respondent and the Board agreed that the Board would not take disciplinary action against the respondent as long as she met the requirements of the Diversion Agreement.
5. Further, the respondent and the Board agreed that the respondent would enter into the KNAP; submit quarterly reports from her employer to the Board; and complete two hours of Continuing Nursing Education (CNE) on the Kansas Nurse Practice Act within thirty days of the date of the Diversion Agreement.
6. The respondent enrolled in KNAP for the second time in November 2013. Her case was closed for noncompliance March 14, 2014.
7. The respondent failed to submit quarterly reports as required in the Diversion Agreement.
8. The respondent failed to complete two hours of CNE on the Kansas Nurse Practice Act.

Applicable Law

1. The Kansas State Board of Nursing has the authoring to limit, deny, suspend or revoke a license to practice nursing in the State of Kansas for proper legal cause. K.S.A. 74-1106(c)(4).
2. Grounds or legal causes for disciplinary action against a license are defined at K.S.A. 65-1120.

Discussion

1. The respondent entered into an agreement with the Board on October 10, 2013, wherein, she admitted to violations of the Kansas Nurse Practice Act as outlined above in paragraph three.
2. The respondent violated the Diversion Agreement.
3. The respondent has committed additional violations of the Kansas Nurse Practice Act beyond those listed in the Diversion Agreement by failing to complete the impaired provider program of the Board for a second time. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(s).
4. The respondent violated the Diversion Agreement she had with the Board by failing to provide the Board, its investigators, or its representatives with any information legally requested by the Board. The respondent failed to provide quarterly employer reports. This is a violation of K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(t).
5. Additionally, the respondent failed to meet her Diversion Agreement with the Board by not completing two hours of CNE on the Kansas Nurse Practice Act, as agreed in the Diversion Agreement.

Conclusion

1. The respondent has failed to successfully complete the Diversion Agreement she entered into with the Board on October 10, 2013.
2. Further, the respondent has repeatedly violated the Kansas Nurse Practice Act as discussed above.
3. The Board's petition to revoke the respondent's license to practice nursing in the State of Kansas is granted.
4. The cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. 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: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

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.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.



Sandra L. Sharon
Administrative Law Judge/Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612
Telephone: 785-296-2433

CERTIFICATE OF SERVICE

On June 17, 2014, I mailed this original document through State Building
Mail to:

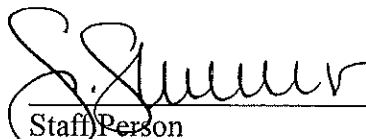
Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Alma Heckler
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through first class mail to:

Lillian R. Jasso
912 E. 5th
Hutchinson, KS 67501



Staff Person

Office of Administrative Hearings