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BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

**IN THE MATTER OF
MELISSA RALSTON
License No. 13-116797-121**

JAN 23 2014

FILED UAH

KSBN

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Case No. 12-2145-8

FINAL AGREED ORDER AND ISSUING PUBLIC CENSURE

NOW on this 21st day of January, 2014 the Petitioner Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and Respondent Melissa Ralston, by and through counsel Mark Stafford of Holbrook & Osborn, P.A. hereby enter into this agreement and proffer evidence and the presiding officer adopts those recommendations and makes the following findings of fact and orders:

1. Respondent, Melissa Ralston, is licensed to practice nursing in Kansas through 12/31/2015. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 5129 SW 33rd St., Topeka, Kansas 66614.
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. The parties agree to the following findings, conclusions and order:
5. In Case No. 09-857-8 and 10-1636-8 the Respondent entered into a Final Order and Consent Agreement with the Board on or about August 17, 2011.

a. In the Final Order and Consent Agreement in Case No. 09-857-8 and 10-1636-8

Respondent admitted to the following violations of the Kansas Nurse Practice Act:

(1) K.S.A. 65-1120(a)(1): to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

(2) K.S.A. 65-1120(a)(2): to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust.

b. Respondent agreed to do complete the following requirements in paragraph 25 of the Agreement:

- Respondent agrees to notify the Legal Division of any changes in address and phone number as well as all employment terminations or employer changes or additions. All such notifications shall be made in writing within fourteen (14) days of such a change.

c. Respondent enrolled in the Kansas Nurse Assistance Program (KNAP) on or about 9/27/2011.

d. Case No. 09-857-8 and 10-1636-8 were inactivated on or about 12/6/2012 because it appeared that the Respondent had met all of the requirements of the August 17, 2011 Final Order and Consent Agreement.

e. Respondent admits she did not report employment terminations or employer changes to the Board. Respondent did not report that she was no longer employed by the Washburn Community Care Center after April 4, 2012. Respondent failed to report she was no longer employed by the Kansas Rehab Hospital after August 17, 2012.

f. Respondent admits she was employed by Topeka Community Healthcare as the Director of Nursing (DON) from August 2012 to December 20, 2012 and was terminated. Respondent did not report her employment termination to the Board.

VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(1) to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

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. 60-3-110 (s);

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

7. Parties agree that the Respondent may continue to practice nursing so long as she complies with the following:

Respondent shall complete four (4) quarterly reports from her employer to the Legal Division of the Board regarding her work performance as a nurse. Those reports should be submitted on the employer's letterhead to the Board and answer the following questions:

- (a) Evaluator's name, telephone number, address, license number and nursing credentials.
- (b) Respondent's name, address, telephone number, license number.
- (c) A short explanation of the respondent's work performance in the following areas:
 - (a) Standards met regarding facility policies and procedures.
 - (b) Compliance with the Kansas Nurse Practice Act.
 - (c) Supervisor evaluations.
 - (d) Overall appropriateness.
 - (e) Interactions with patients.
 - (f) Interactions with staff and administration.

The performance evaluations/reports must be submitted on April 10, 2014, July 10, 2014, October 14, 2014 and January 10, 2015.


8. Respondent shall send a money order for \$70 to the Board upon entering into this agreement to pay the cost of this action.

PUBLIC CENSURE

9. Respondent is publicly censured for violating the Kansas Nurse Practice Act.

IT IS THEREFORE ORDERED that the agreement of the parties contained herein is adopted by the Presiding Officer as findings of fact, conclusions of law, and as a Final order of the Board

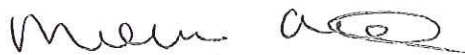
IT IS SO ORDERED on this 21st day of January, 2014.



Sandra Sharon, Presiding Officer

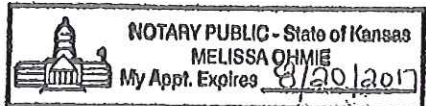


(Melissa Ralston must sign before a Notary Public.)
Melissa Ralston
Respondent
5129 SW 33rd St.
Topeka, Kansas 66614
State of Kansas, County of Shawnee.


1/14/14



Mark W. Stafford, #13233
Counsel for Respondent
Holbrook and Osborn, P.A.
107 SW 6th Avenue, Suite 210
Topeka, Kansas 66603



Alma A. Heckler, # 11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

Pursuant to K.S.A. 77-529, either party may request a review of this initial order by filing a petition for reconsideration with the Kansas State Board of Nursing. A petition for reconsideration must be filed with 15 days from the date this initial order was served. Failure to timely request a reconsideration by the Kansas State Board of Nursing may preclude further judicial review. The petition for reconsideration shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, 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.


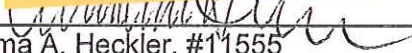
Pursuant to K.S.A. 77-530, if a request for reconsideration is not requested in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

CERTIFICATE OF SERVICE

On the 23rd day of January, 2014, I mailed a copy of this FINAL AGREED ORDER AND ISSUING PUBLIC CENSURE to:

Melissa Ralston
5129 SW 33rd St.
Topeka, Kansas 66614

Mark W. Stafford
Holbrook and Osborn, P.A.
107 SW 6th Avenue, Suite 210
Topeka, Kansas 66603



Alma A. Heckler, #11555
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