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KSBN

Kathleen Sebelius, Governor  
Mary Blubaugh MSN, RN  
Executive Administrator  
www.ksbn.org

February 5, 2009

Fannie Goldsmith  
6428 N Woodlawn St  
Kechi, Kansas 67067

Case No. 05-240-5, 08-240-5  
License No. 13-025803-031

### SUMMARY ORDER

Dear Ms. Goldsmith:

The Investigative Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a registered nurse in Kansas is denied. This denial is based upon the following:

### FINDINGS OF FACT

1. (a) On or about March 12, 2008, the Board received Respondent's application for reinstatement of her license to practice nursing in the state of Kansas as a registered nurse. Respondent lapsed on or about 3/31/2007. Respondent has a number of health issues to include; diabetes with daily insulin injections to control disease; weekly hypoglycemic episodes; hypertension; anemia requiring monthly iron injections; and cataracts.

(b) Respondent was given the opportunity on March 21, 2008 to provide statements from all of her health care practitioners, regarding her current medical diagnosis, current medical care, medication regimen, recent hospitalizations and procedures, her prognosis and safety to practice nursing. No statements and/or letters were ever received by the Board. The Board made the decision to refer the matter to disciplinary counsel due to concerns about Respondent's safety to practice and Respondent's failure to document her safety to practice.

### 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)(3), Professional Incompetency by K.S.A. 65-1120(e)(3) and K.S.A. 65-4921 through K.S.A. 65-4930, a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing (due to physical disabilities).

3. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application in whole or in part.
4. Your conduct described herein violates the Kansas Nurse Practice Act.
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.
7. 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

*PN*

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Janet Jacobs, LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 6th day of February 2009, 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:

Fannie Goldsmith  
6428 N Woodlawn St  
Kechi, Kansas 67067

  
Alma A. Heckler, #11555  
Assistant Attorney General