

BEFORE THE KANSAS STATE BOARD OF NURSING  
900 S.W. Jackson, Room 551-S  
Topeka, Kansas 66612-1256  
(913) 296-4929

In the Matter )

of )

Case No. 91-262-5

FEB 7 1992 - 5549

CARLA RAE NELSON, a/k/a )  
CARLA RAE COLVIN, a/k/a )  
CARLA RAE WHITE )  
License No. 13-042699-041 )

INITIAL ORDER

This matter comes on for telephonic hearing this 22nd day of January, 1992. Hearing panel members present as the board's duly appointed presiding officer are: Dean Zerr, R.N., Chairperson; Barbara J. McClaskey, R.N.; and Dorothy Zook, L.P.N. Also present is Theresa Marcel Nuckolls, Assistant Attorney General, as general legal counsel to the hearing panel. Petitioner appears by and through Carol R. Bonebrake, Assistant Attorney General, as disciplinary counsel to the board. Respondent appears personally by telephone and without legal counsel.

Respondent offers no objection to the jurisdiction of the hearing panel over this matter or the service and notice upon her. Respondent, upon inquiry from the hearing panel, offers no contest to the facts as set forth in the petition. The hearing panel therefore unanimously votes to accept respondent's offer

of no contest to the facts as set forth in the petition, and these facts are therefore deemed uncontroverted and true.

Whereupon, respondent is sworn in and offers testimony in support of her application for reinstatement. The evidentiary record is closed.

Upon due deliberation, the hearing panel does hereby make and enter the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Respondent has been entitled to practice as a registered nurse in the state of Kansas, having been issued license no. 13-042699-041, said license having expired on April 30, 1991.

2. On July 23, 1991, respondent submitted to the board of nursing an application for reinstatement of her license.

3. Notice of today's hearing, and a copy of the petition on this matter, were served upon the respondent by depositing a copy of the same in the United States mail, first class postage prepaid, the 26th day of December, 1991, which is more than 10 days prior to today's hearing.

4. Respondent submitted a renewal application to the board on July 1, 1991, said application being made after her license had lapsed.

5. Attached to respondent's July 1, 1991 renewal application were copies of continuing education certificates

that showed 1990 dates for continuing education offerings that actually occurred in 1987 and 1989. The dates on said certificates were altered.

6. In August, 1991 the respondent provided to the board of nursing currently obtained and valid continuing education certificates.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 1991 Supp. 65-1120, K.S.A. 74-1106 et seq., K.S.A. 77-501 et seq., timely and sufficient notice of today's hearing, respondent's application for licensure, and lack of objection from respondent, this hearing panel has jurisdiction over the matter and respondent's licensure status.

2. K.S.A. 1991 Supp. 65-1120(a)(1) authorizes the board to deny, revoke, limit or suspend any license issued or applied for if, after hearing, the applicant or licensee is found to be guilty of fraud or deceit in attempting to procure a license to practice nursing.

3. K.S.A. 1990 Supp. 65-1120(a)(6) authorizes the board to deny, revoke, limit or suspend any license issued or applied for if, after hearing, the applicant or licensee is found to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(a)(2), to assume duties and responsibilities within the practice of nursing when competency has not been maintained.

4. One of the purposes of requiring licensees to obtain continuing education is to ensure maintenance of competency.

5. In submitting falsified continuing education certificates, respondent is guilty of fraud and deceit in attempting to procure a license to practice nursing.

6. In continuing to work as a registered nurse without obtaining sufficient and current continuing education, respondent is guilty of unprofessional conduct as defined by K.A.R. 60-3-110(a)(2).

7. Respondent has now obtained sufficient continuing education credits to allow issuance of a license, but, as evidenced by these findings of fact and conclusions of law, has demonstrated a manifest disregard for (a) the public safety purposes promoted by requiring that licens<sup>ees</sup>~~ure~~ obtain continuing education and maintain competency, and (b) the intent of the law that licensees be truthful on their applications and therefore worthy of public trust.

It is therefore ordered that respondent's license reinstatement application be GRANTED, that the license thus granted be SUSPENDED for two (2) years, that this suspension be STAYED conditioned upon respondent's complete and satisfactory compliance with the following requirements:

1. Respondent shall, in addition to the ordinary statutory and regulatory requirements concerning continuing education, obtain 15 extra hours in continuing education, for a total of

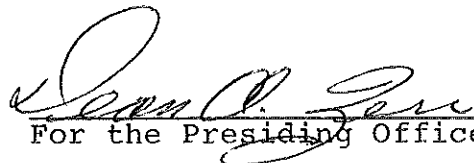
45 hours required of the respondent for the next renewal period.

2. Of these additional 15 hours, 9 hours must be obtained no later than 180 days from service of this order and such additional 9 hours must be on nursing and the law and/or nursing ethics.

It is so ordered this 1<sup>st</sup> day of February, 1992.

Notice Regarding Relief From This Order

This is an Initial Order. The party against whom this initial order was issued may file a petition for review with the agency head within fifteen (15) days after service of this order. This petition for review must state its basis. Unless a later date is stated in an initial order, a stay is granted, or the order is reviewed, an initial order shall become a final order without further notice or proceedings thirty (30) days after the date of service, as indicated by the attached Certificate of Service.

  
For the Presiding Officer

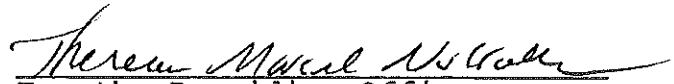
CERTIFICATE OF SERVICE

This is to certify that on this 6<sup>th</sup> day of February, 1992, a copy of the foregoing INITIAL ORDER was served by depositing the same in the United States mail, first-class postage prepaid, addressed to the following:

Carla Rae Nelson  
1506 James Street  
Derby, Kansas 67837

and by hand-delivering a copy to:

Carol R. Bonebrake  
Assistant Attorney General  
Kansas Judicial Center, 2nd Floor  
Topeka, Kansas 66612

  
For the Presiding Officer