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**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
JOYCE M. WHITEMAN  
License No. 13-45562-091**

**Case No. 09-765-4**

**FILED**

AUG 30 2013

KSBN

**PROPOSED DEFAULT ORDER (Motion for Show Cause)**

NOW ON THIS 27<sup>th</sup> day of August, 2013, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, Assistant Attorney General, for a Hearing on the Motion to Show Cause filed in the above captioned matter. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing as a RN in Kansas through 9/30/2013 and was licensed to practice nursing at the time of the misconduct alleged in the Motion to Show Cause. 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 Motion to Show Cause 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 revoking respondent's RN license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The Motion to Show Cause 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 revoked. Respondent shall not practice nursing.
6. Costs of the action of \$70.00 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 nursing certificate and any license cards in his or her possession 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. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

**IT IS SO ORDERED.**



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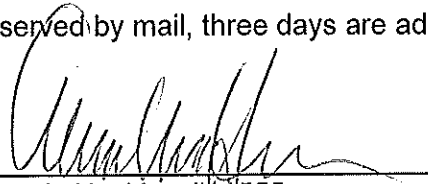
Sandra Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

**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.



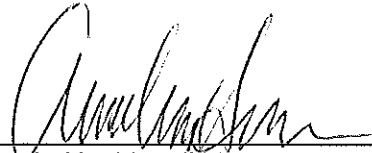
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Alma A. Heckler, #11555  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 30<sup>th</sup> day of August, 2013, the foregoing copy of the PROPOSED DEFAULT ORDER was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Joyce M. Whiteman  
327 S. Main  
Newton, Kansas 67114-4818



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Alma A. Heckler, #11555  
Assistant Attorney General

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

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**IN THE MATTER OF  
JOYCE M. WHITEMAN  
License No. 13-45562-091**

**KSBN**

**Case No. 09-765-4**

**MOTION TO SHOW CAUSE (OR MOTION TO LIFT STAY)**

COMES NOW the Petitioner, the Kansas State Board of Nursing, by and through the Assistant Attorney General assigned to the Board, Alma A. Heckler, and moves the Board for a review of Respondents discipline file in Case No. 09-765-4. Respondent's address of record is 327 S. Main, Newton, Kansas 67114-4818. Respondent entered an Amended Final Order and Consent Agreement with the Board on or about May 14, 2012 and has failed to meet the terms and requirements of the agreement as follows:

- To enroll in the Kansas Nurse Assistance Program (KNAP) in 30 days.
- Respondent has been non-compliant with KNAP.
- KNAP case has been closed by KNAP unsuccessfully.
- Respondent committed other violations of the Kansas Nurse Practice Act.
- To inform employers of Final Order and Consent Agreement or Initial Agreed Order.
- To inform employers of KNAP participation.
- To provide performance quarterly reports to the Board, completed by the employer or monthly statements to the Board that she was not employed.
- To timely report change of employment and address information.
- Timely complete CNE required by the Order and to submit documentation of completion.
- To timely report any new misdemeanor or felony convictions to the Board.

To practice within the limitations as set out in the Final Order and Consent Agreement or Initial Agreed Order dated \_\_\_\_\_.

Other \_\_\_\_\_.

By failing to comply with the terms of the Amended Final Order and Consent Agreement, dated May 14, 2012 the Board requests a finding that the Respondent has committed the following violations of the Kansas Nurse Practice Act:

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)].

K.S.A. 65-1120(a)(6), failing to comply with any disciplinary order of the board [K.A.R. 30-3-110 (r)].

Respondent should show cause as to why the stay in this matter should not be lifted for six months (first finding of violation of the Final Order and Consent Agreement or Initial Agreed Order).

Respondent should show cause as to why the stay in this matter should not be lifted for one year (second finding of a violation of the Final Order and Consent Agreement or Initial Agreed Order).

Respondent should show cause as to why the Respondent's license should not be revoked or other action should not be taken.

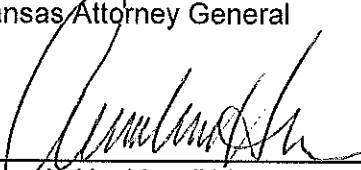
Petitioner requests that costs of this action be assessed to the respondent in at least the amount of \$70.00.

**NOTICE REGARDING FAILURE TO ATTEND OR PARTICIPATE**

If Respondent fails to appear at said hearing and defend, the Board may request to proceed to have the presiding officer hear the evidence against the Respondent and enter such order as authorized by law and justified by the evidence. If Respondent fails to attend or participate in the hearing, Respondent may be held in default under K.S.A. 77-520 and a proposed default order may be issued by the administrative law judge/presiding officer.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

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

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion was served by depositing same in the United States Mail, first class postage prepaid, on this 27 day of May, 2013 to:

Joyce Whiteman  
327 S. Main  
Newton, Kansas 67114-4818

On the 27 day of May, 2013, a copy of the foregoing Motion was served by depositing same in building mail to:

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

  
Alma A. Heckler, #11555  
Assistant Attorney General