

# Kansas State Board of Nursing

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Patsy L. Johnson, R.N., M.N.  
Executive Administrator  
785-296-5752  
ksbn0@ink.org

September 25, 1998

Ms. Rachel Carrell  
1426 Greenwood Boulevard  
Neosho, Missouri 64850

## SUMMARY ORDER

Dear Ms. Carrell:

I have reviewed your application materials and on behalf of the Board members am denying your renewal application to practice as a registered nurse in Kansas. This denial is based upon the following:

### **I. FINDINGS OF FACT**

1. On January 3, 1991 you filed an application with the Board to renew your license. On that application you stated that you had never been convicted of a misdemeanor or a felony. In the affidavit portion of the application you swore that the statements in the application were strictly true in every respect.
2. Upon receipt of your renewal application in January 1995 the Board learned that you had been convicted of Disorderly Conduct, a class C misdemeanor, on May 14, 1987 in the District Court of Sumner County Kansas.
3. Your 1995 application was not complete because you did not provide a certified copy of the court action. You were notified that the application was incomplete and you were asked to provide a certified copy of the court action.
4. On February 7, 1995 you provided the Board with an altered copy of the court's Journal Entry.
5. On May 19, 1995 you were notified that you needed to provide the Board with an unaltered copy of the Journal Entry and as well as a certified copy of the complaint against you.

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296-4325

Rex G. Beasley, J.D.  
Assistant Attorney General  
Disciplinary Counsel  
296-8401

6. On February 12, 1996 you stated in writing that your attempt to obtain an unaltered copy of the Journal Entry from the court was unsuccessful due to an order of expungement. You did however send the Board a copy of the expungement order. You have never sent the Board a copy of the complaint against you as requested.
7. The expungement order reflects on its face that it was obtained on June 29, 1995, well after you were asked by the Board to provide unaltered copies of the court records. Furthermore, the file reflects that the expungement order was obtained for you by an attorney retained by you after you were asked by the Board to provide an unaltered copies of the court records.  
You intentionally did not disclose the conviction, because it was a Class C misdemeanor.
8. You only reported the conviction to the Board because you were concerned others would report it.
9. You never submitted a certified copy of the complaint and Journal Entry as requested on the application and by the Board.
10. You obtained a certified copy of the Journal Entry, but before sending it to the Board you altered the document.
11. When the Board continued to demand unaltered certified copies of the court documents, you had the conviction expunged. Your inability to present the Board with the unaltered documentation required was the result of your own intentional actions.
12. Your conduct in not reporting the conviction on your initial and subsequent applications, and your conduct in altering a court record and then having those records expunged constitute fraud and deceit in procuring or attempting to procure a license.

## **II. CONCLUSIONS OF LAW**

1. K.S.A. 65-1116 provides that the Kansas State Board of Nursing shall grant a license to individuals that meet certain qualifications as set by statute.
2. You have never provided the Board with a complete application for renewal.
3. K.S.A. 65-1120(a) gives the board the authority to deny a license to practice nursing as a registered professional nurse if the applicant is found:

"(1) to be guilty of fraud or deceit in procuring or attempting to procure a

license to practice nursing."

4. K.S.A. 65-1120(b) authorizes the board to deny a license in accordance with the provision of the Kansas Administrative Procedures Act.
5. 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.
6. Your conduct in not reporting the conviction on your initial and subsequent applications, and your conduct in altering a court record and then having those records expunged constitute fraud and deceit in procuring or attempting to procure a license.

### III. ORDER

Based on the above and foregoing Findings of Fact and Conclusions of Law, your application for renewal of your license to practice nursing as a registered nurse in the State of Kansas is hereby denied.

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:

Practice Specialist  
Kansas State Board of Nursing  
900 SW Jackson, Suite 551-S  
Topeka, Kansas 66612-1230  
(913) 296-8401

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.


The Kansas State Board of Nursing

By Leona Beezley  
Leona Beezley, R.N.  
Board Member

CERTIFICATE OF SERVICE

I certify that on the 25<sup>th</sup> day of September, 1998, 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:

Ms. Rachel Carrell  
1426 Greenwood Boulevard  
Neosho, Missouri 64850

  
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Patsy Johnson, M.N., R.N.  
Executive Administrator