

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
KATHLEEN A. SELLS  
License No. 13-052398-041**

**Case No. 05-459-7, 04-218-7  
OAH No. 08BN0133 KSBN**

**FILED**

MAY 26 2009

**KSBN**

**PROPOSED DEFAULT ORDER TO LIFT STAY OF SUSPENSION AND SUSPEND LICENSE**

NOW ON THIS 26<sup>th</sup> day of May, 2009, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Mark A. Knight, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent was licensed to practice nursing in Kansas prior to 4/30/2009. A Petition to Lift Stay of Suspension was filed in this matter prior to the lapse of Respondent's license to practice nursing in Kansas. Respondent's license to practice nursing in Kansas lapsed on 4/30/2009. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order lifting the stay of suspension and suspending respondent's license. The petitioner's request is granted by default.
4. The petition 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 suspended for a period of six months. The suspension will not again be stayed until the Respondent has, following the prescribed time period of suspension, provided written verification to the Board that

Respondent is in compliance with all conditions and requirements of the Consent Agreement and Final Order dated January 12, 2007.

6. Costs of the action of \$70 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 her original Kansas registered nurse license to the Kansas State Board of Nursing.
8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

**IT IS SO ORDERED.**

Sandra L. Sharon, Presiding Officer

**NOTICE**

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Mark A. Knight, #12183  
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 26<sup>th</sup> day of May, 2009, the foregoing copy of the Proposed Default Order To Lift Stay Of Suspension And Suspend License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following: Kathleen A. Sells, 9279 Nieman Rd, Shawnee Mission, KS 66214.

Mark A. Knight

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RECEIVED  
FEB 1 8 2009

**PETITION TO LIFT STAY OF SUSPENSION**

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Mark A. Knight, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas through 4/30/2009. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 9279 Nieman Rd, Shawnee Mission, KS 66214.
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.

**FACTS COMMON TO ALL COUNTS**

5. The facts below are common to all counts:
  - (a) Respondent entered a Consent Agreement and Final Order (Consent Agreement) on or about May 5, 2008, with the Kansas State Board of Nursing to resolve case numbers 05-459-7 and 04-218-7. The Consent Agreement remains in effect until such time as

the Respondent completes all conditions and requirements of the Consent Agreement.

Respondent has not completed all conditions and requirements of the Consent Agreement.

(b) Pursuant to the Consent Agreement, Respondent's license to practice nursing in Kansas was suspended with a stay of the suspension.

(c) The Consent Agreement provides upon a first finding of non compliance with the conditions or requirements of the Consent Agreement, the Stay of Suspension of Respondent's license to practice nursing in the State of Kansas, shall be lifted for a period of six months from the date of said finding.

(d) The Consent Agreement provides upon the Stay of Suspension being lifted due to a finding of non-compliance with the Consent Agreement, the Suspension will not again be Stayed until the Respondent has, following the prescribed time period of suspension, provided written verification to the Board that Respondent is in compliance with all conditions and requirements of this Consent Agreement. Upon the Respondent providing said written verification the suspension will again be stayed.

(e) Conditions of the Consent Agreement include a condition that the Respondent participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP).

(f) [REDACTED]  
[REDACTED]  
[REDACTED]

(g) Conditions of the Consent Agreement include a condition that the Respondent complete three (3) hours of Continuing Nurses Education (CNE) on the topic of "Documentation." Respondent was to submit the original certificates for proof of the completion of the hours within 30 days of the Consent Agreement. Respondent has not provided proof of completion of the CNE.

**VIOLATIONS**

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

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.


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. 30-3-110(s).

WHEREFORE, petitioner requests the stay of suspension of respondent's nursing license be lifted for a period of six months, costs of this action should be assessed to the respondent in the amount of \$70.00, and suspension of respondent's nursing license not again be stayed until six months have past and respondent has provided written verification to the Board that respondent is in compliance with all conditions and requirements of the May 5, 2008 Consent Agreement and Final Order.

Respectfully submitted,

Stephen N. Six  
Kansas Attorney General

By:

  
Mark A. Knight, #12183  
Assistant Attorney General