

BEFORE THE KANSAS STATE BOARD OF NURSING  
900 S.W. JACKSON, ROOM 551-S  
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF: )  
 )  
TERESA MACY )  
License #13-053757-051 )  
\_\_\_\_\_ )

CASE NO. 92-325-5

JUL 13 1993 30

INITIAL ORDER

NOW on this 21st day of May, 1993, the above-captioned matter comes on for hearing before Helen Rice, Hearing Officer designated by the Kansas State Board of Nursing. The Petitioner appears through its disciplinary counsel, Assistant Attorney General Mark S. Braun. Respondent appears with her counsel, Michael H. Dunn. Respondent and her counsel appear by telephone.

The Hearing Officer states that this matter is set for hearing on the Petition alleging the Respondent violated the Kansas Nurse Practice Act, specifically K.S.A. 65-1120(a)(2), that she was convicted of a felony and has not been sufficiently rehabilitated to warrant the public trust. The Hearing Officer inquires of both sides if they are ready to proceed. Counsel indicate they are ready to proceed. The Hearing Officer inquires if there are any preliminary matters. Counsel indicate there are none.

The Hearing Officer inquires of Respondent's counsel whether there any objections to the form of the Petition, the filing of the Petition or the service of Notice of the Hearing. Respondent's counsel responds that there are no such objections. The Hearing Officer inquires of Respondent's counsel whether there are any

objections to the Board's jurisdiction or authority to hear this matter. Respondents' counsel states there are none.

The matter proceeds to hearing. The Hearing Officer swears in the Respondent and asks if she wants the charged violation read to her. Respondents' counsel waives the reading of the charge and refers to the Respondent's Answer in which Respondent admits to Paragraph 5(a)(b) and (c) of the Petition, admitting: she was convicted of a felony; she was sentenced to the custody of the Department of Corrections and that she was released from the Department of corrections to probation. Respondent's counsel clarifies the release in that Respondent was released to the Sedgwick County Community Corrections program in residential custody, and has recently been promoted to field services and out of the residential custody.

Petitioner's counsel states that with the admission that Respondent committed the felony, the issue becomes whether or not Respondent has been sufficiently been rehabilitated. Counsel for both sides make statements regarding Respondent's rehabilitation. Respondents' counsel stipulates that Respondent is not able to go directly back into nursing without supervision and is willing to accept supervision. Respondent offers as exhibits: a document called "Respondent's Statement;" three letters on Sedgwick County Community Corrections stationery from Messrs. Nixon, Kaloki and Davenport; and a letter from Betty Bryan.

WHEREUPON, the Hearing Officer accepts the Respondent's stipulations and renders her decision with the following Findings of Fact and Conclusions of Law.

#### FINDINGS OF FACT

1. The Respondent is a registered professional nurse, licensed by the Kansas State Board of Nursing, through License No. 13-053757-051.

2. The Respondent was convicted of a Felony.

3. The Respondent is still on probation and participating in the Sedgwick County Community Corrections program.

4. The Respondent has not been sufficiently been rehabilitated to warrant the public trust.

#### CONCLUSIONS OF LAW

1. The Respondent is a registered professional nurse, licensed by the Kansas State Board of Nursing, through License No. 13-053757-051. The Board has jurisdiction over this licensee through the license and the stipulation of her counsel.

2. This Petition involves an allegation of a violation of the Kansas Nurse Practice Act, specifically K.S.A. 65-1120(a)(2). The Board has jurisdiction over this subject-matter through K.S.A. 65-1120 and the stipulation of Respondent's counsel.

3. The Petition was served upon the Respondent by mail on the 13th day of April. The matter was originally set for April 26, 1993. On April 26, 1993, a continuance was granted to May 21, 1993. The Order of Continuance and Notice of this May 21, 1993 hearing was mailed to Respondent and her counsel on May 7, 1993.

That date is fat least 10 days prior to today's hearing. Therefore, based on the stipulation of Respondent's counsel and the service of notice, Notice in this case is proper.

4. Based on the Respondent's stipulations, the evidence and comments of counsel, the Hearing officer finds as a matter of law that Respondent did violate the Kansas Nurse Practice Act by being convicted of a felony and that she has not sufficiently rehabilitated herself to warrant the public trust.

ORDER

IT IS THEREFORE ORDERED that the following action will be taken against Respondent's license:

Respondent's license to practice nursing in the State of Kansas is suspended for the period of her probationary status. The suspension is stayed and Respondent shall meet the following conditions.

A. Respondent shall be required to notify the Kansas State Board of Nursing within ten (10) days of obtaining any nursing employment, and/or any changes in her employment;

B. Respondent shall inform any employer about these proceedings throughout the time she is on probation or assignment to the Sedgwick County Community Corrections program. The Kansas State Board of Nursing shall receive quarterly reports about her work from Respondent's closest supervising agent. The quarterly reports shall be submitted throughout the time she is on probation or assigned to the Sedgwick County Community Corrections program.

The reports shall be submitted to the Kansas State Board of Nursing Practice Specialist and shall include information about:

- 1) attendance;
- 2) whether Respondent's job performance is satisfactory;
- 3) Respondent's practice of patient care.

Respondent, through counsel, informs the Hearing Officer she is willing to waive any appeal time and notice of appeal time and this Order shall become effective upon receipt by the Respondent and Counsel.

IT IS SO ORDERED THIS 12<sup>th</sup> DAY OF July, 1993.

Helen R. Rice  
HEARING OFFICER

CERTIFICATE OF SERVICE

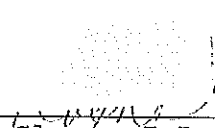
This is to certify that a copy of the foregoing Initial Order was served by depositing same in the United States Mail, first class postage prepaid, this 15th day of July, 1993, to:

Teresa Macy  
501 N Exposition  
Wichita, Kansas 67203

Michael H. Dunn  
Attorney at Law  
428 North Market  
Wichita, Kansas 67202

and

Mark S. Braun  
Assistant Attorney General  
Kansas State Board of Nursing  
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Diane M. Glynn, J.D., R.N.  
Practice Specialist