

BEFORE THE
KANSAS STATE BOARD OF NURSING

FILED
#107
MAY 17 2012 pet

KSBN

Lorraine C. Copple

Case No. 09 359-9 0

License No. 13 55320-021

OAH No. 11BN0100

ORDER

NOW on this 15th day of May, 2012, the above-captioned matter comes on for consideration on the respondent's request to have the proposed default order issued in the above captioned matter on April 18, 2012 vacated. The respondent appeared in person. The petitioner, the Kansas State Board of Nursing (Board) appeared through Assistant Attorney Alma A. Heckler, Disciplinary Counsel for the Board.

The Presiding Officer finds:

1. On June 29, 2011, the Board filed a petition to revoke the respondent's license to practice nursing in the State of Kansas.
2. A prehearing was scheduled for September 27, 2011 and the respondent appeared and participated. An administrative hearing was scheduled for November 22, 2011 at 9:00 a.m.
3. On November 18, 2011, an attorney for the respondent filed an entry of appearance and motion to continue the hearing scheduled for November 22, 2011.
4. The hearing was continued and a second prehearing was scheduled for February 28, 2012. The respondent's attorney participated and filed a motion to withdraw as attorney due to the respondent not following through with him.
5. The prehearing was rescheduled to March 13, 2012. The respondent appeared and participated in the prehearing. A hearing in this matter was scheduled for April 18, 2012.
6. Not only did the respondent participate in the prehearing scheduling the hearing for April 18, 2012 but a prehearing order providing notice to the respondent of the hearing date and time was served on her March 16, 2012 by first class mail. On April 17, 2012 the respondent provided a witness list.
7. On April 18, 2012, the Board was ready to present its case. The Board was prepared, witnesses were prepared, and the presiding officer was prepared. The respondent was contacted at the telephone number she had on record with the Board. The respondent did not answer the phone calls. The presiding officer left a message at the first phone call for the respondent to call in for her hearing. She did not. Another phone call was placed and there was no answer. The Board checked with the receptionist in its legal department to see if the respondent had called in. She had not. At 9:15, a default order was issued.
8. On April 25, 2012, the respondent filed a motion with the Board to vacate the proposed

default order. The respondent fails to establish good cause for her failure to participate in the hearing as scheduled.

The Presiding Officer, being well and duly advised in the premises, finds that the notice was properly served on the respondent. Further, the respondent has had every opportunity to participate in this proceeding and has not established good cause for her failure to participate in the hearing April 18, 2012. The respondent's request to vacate the proposed default order is denied. The default order is final as of the date of this order.


IT IS SO ORDERED.

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. 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: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

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.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.



Sandra L. Sharon
Administrative Law Judge/Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612

CERTIFICATE OF SERVICE

On May 15, 2012, I mailed a copy of this document to:

Lorraine C. Copple
3628 West Main
Independence, KS 67301

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Kansas State Board of Nursing
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Topeka, KS 66612
Telephone: 785-296-4325



Staff Person
Office of Administrative Hearings