

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

FEB 22 2010

IN THE MATTER OF

JANICE S. PIERCE

License No. 13-055387-101

KSBN

Case No. 06-821-8

SUMMARY ORDER

Now this 22nd day of February, 2010, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the registered nurse reinstatement application of Janice S. Pierce (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Applicant was previously licensed to practice nursing in the state of Kansas. Applicant's license to practice nursing in the state of Kansas as a registered nurse lapsed on or about October 31, 2009.
2. On or about November 23, 2009, Applicant submitted an application for reinstatement of Applicant's license to practice nursing in the state of Kansas.
3. Applicant's address of record is 6261 W. 333rd St., Lebo, Kansas 66856.
4. At the time Applicant's license lapsed, a risk management report regarding Applicant's nursing practice had been filed with the Board and investigation was ongoing.
5. The report alleged Applicant failed to change a patient's wound dressing as scheduled but documented the change. Because of the delay, the patient's old dressing had to be surgically removed under general anesthesia, and Applicant's employment was terminated as a result of the incident.
6. An investigation produced evidence of numerous additional errors and omissions in patient care.
7. By letter dated December 30, 2008, the Board's investigator informed Applicant that her case would be closed if she would complete specific additional continuing nurse education (CNE) and directed Applicant to respond by January 16, 2009.
8. Applicant did not respond and the case was forwarded to the legal division for further action.
9. By letter dated January 29, 2009, disciplinary counsel set a deadline of April 15, 2009, for completion of the CNE.
10. Applicant did not submit the CNE by April 15, and prior to formal action against her license, Applicant allowed her license to lapse on October 31, 2009.
11. In December 2009, after Applicant submitted an application for reinstatement, disciplinary counsel repeated the offer of resolving the investigative case through completion of CNE.
12. Despite a number of contacts between Applicant and the investigator, to date, Applicant has not submitted proof of completion of the CNE.
13. Most recently, Applicant contacted the investigator on or about January 15, 2010, and advised that she would have technical assistance, which she needed to gain access to online

courses, on January 18, 2010. Applicant has not yet submitted proof of completion, and the application is now over ninety days old.

CONCLUSIONS OF LAW

14. The Kansas State Board of Nursing may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization upon making any of the findings listed in K.S.A. 65-1120(a).

15. The Board has jurisdiction over the Applicant and the subject matter of this action.

16. The facts establish the following grounds for denial of Applicant's reinstatement application:

- a. K.S.A.65-1120(a)(3), Professional Incompetency as defined by K.S.A. 65-1120(e)(2), repeated instances involving failure to adhere to the applicable standard of care to a degree which constitutes ordinary negligence, as determined by the board.
- b. K.S.A. 65-1120(a)(6), unprofessional conduct as defined by K.A.R. 60-3-110(c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.
- c. K.S.A. 65-1120(a)(6), unprofessional conduct as defined by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.


17. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.

18. The role of the Kansas State Board of Nursing is to protect citizens of Kansas, and denial of Applicant's application for reinstatement serves that purpose.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT Applicant's reinstatement application to practice nursing in the state of Kansas is 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: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. 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, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing.

Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.



 LPN

Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 22nd day of February 2010, a copy of the foregoing Summary Order was deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Janice Sue Pierce
6261 W. 333rd St.
Lebo, KS 66856

Brenda J. Clary, #18770
Assistant Attorney General