

**BEFORE THE KANSAS STATE BOARD OF NURSING
LANDON STATE OFFICE BUILDING
900 S.W. JACKSON, ROOM 551-S
TOPEKA, KANSAS 66612-1230
913/296-8401**

IN THE MATTER OF:

**BOBBI GUERRERO
LICENSE NO. 13-057395-121**

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Case No: 97-0018-8

INITIAL ORDER

Now on this 27th day of March, 1997, the above-captioned matter comes on for Hearing before Terry E. Beck, the Board's designated Hearing Officer, on the Petition filed with the Board. The Petitioner appears by and through Assistant Attorney General Mark S. Braun, Disciplinary Counsel for the Board. The Respondent, Bobbi Guerrero, appears in person and without counsel.

The Hearing Officer asks the Respondent if she received the Petition and whether she understands the nature of the allegations contained in the Petition. Respondent states that she received the Notice of Hearing and Petition and understands the allegations. Respondent asks the Respondent if she has any objection to the Board's jurisdiction in this matter. Respondent states she has no objection.

The Hearing Officer advises the Respondent that she has the right to be represented by an attorney in these proceedings, if she chooses to obtain one. Respondent acknowledges this right, but wishes to proceed without counsel.

The Hearing Officer advises the Respondent she may either admit or deny the allegations in the Petition. If Respondent denies the allegations, the matter will proceed to hearing in which the Petitioner will have to prove, through witnesses and evidence, that the Respondent committed the act(s). The Respondent will have the opportunity to cross-examine the Petitioner's witnesses, as well as the opportunity to present witnesses and evidence on her own behalf. If Respondent admits the allegations, there will be no hearing. Based on the admission(s), the Hearing Officer will make a finding that the Respondent committed the act(s) complained of and that Respondent has violated the Kansas Nurse Practice Act as specified by the Petitioner. The matter will then proceed to disposition to determine and impose the appropriate discipline for the violation.

The Hearing Officer inquires of the Respondent if she understands her options regarding the allegations. Respondent states that she understands her options. The Hearing Officer inquires of the Respondent whether she admits or denies the violation alleged in Counts I and II. Respondent admits to the violations alleged in those counts.

The Hearing Officer accepts the admissions to those counts and finds that the Respondent has violated the Kansas Nurse Practice Act as stated in the Petition. Based upon the Respondent's admissions to the violations, the Hearing Officer makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent was issued a license to practice nursing in the State of Kansas as a registered professional nurse (R.N.), license number 13-057395-121, which expires December 31, 1997.

2. The Notice of Hearing and Petition in this matter were sent to the Respondent at her last address known to the Board by first class mail on March 13, 1996.

3. Respondent has been advised of her right to counsel and voluntarily waived that right.

4. Respondent, after explanation of her options, admitted to the violations alleged in Counts I and II of the Petition

5. Respondent admitted to practicing nursing in Kansas while her license was suspended, contrary to K.S.A. 65-1120(a)(7), willfully or repeatedly violating provisions of the Kansas Nurse Practice Act, specifically K.S.A. 65-1122, practicing on a suspended license.

6. Respondent admitted to intentionally not informing her employer of the suspension and continuing to work while her license was suspended, contrary to K.S.A. 65-1120(a)(1), fraud and deceit in the practice of nursing.

7. Respondent has violated the Kansas Nurse Practice Act, for which disciplinary action may be taken by the Board, or its designated hearing officer against the license or licensee.

CONCLUSIONS OF LAW

1. The Board and this Hearing Officer have jurisdiction to hear this matter pursuant to the Kansas Nurse Practice Act, K.S.A.

65-1113 et seq., and the Kansas Administrative Procedures Act, K.S.A. 77- 501 et seq. Respondent stipulates to such jurisdiction.

2. The Respondent has been advised of her right to counsel and has knowingly and voluntarily waived that right.

3. The Respondent has been properly served with the Petition and Notice of Hearing in this matter pursuant to the Kansas Administrative Procedures Act, K.S.A. 77- 501 et seq.

4. The Board, and by designation the Hearing Officer, have the authority, after a finding of a violation of the Nurse Practice Act, to impose any of the disciplinary sanctions identified in K.S.A. 65-1120 and K.S.A. 74-1110 against the Respondent or the Respondent's license to practice nursing in the State of Kansas.

5. K.S.A. 65-1120(b) requires these proceedings of the Board to be conducted pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

6. Based on Respondent's admissions, Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., specifically K.S.A. 65-1120(a)(7), as described in Counts I, and K.S.A. 65-1120(a)(1), as described in Count II.

ORDER

Based on the above findings of fact and conclusions of law, the agreement of the parties, and the Respondent's request, **IT IS THEREFORE ORDERED** pursuant to the

disciplinary remedies available under K.S.A. 65-1120 and K.S.A. 74-1110, that Respondent's license to practice as a registered professional nurse, (R.N.), is hereby suspended from the practice of nursing until its expiration date, December 31, 1997, or as otherwise ordered in this order.

Respondent is hereby assessed an **administrative fine** of two hundred (\$200.00) dollars. Said fine shall be paid by a money order or cashier's check payable to the State of Kansas and delivered to the Board of Nursing office. The Board shall deposit the fine in the State's general fund.

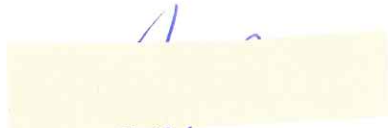
Respondent is hereby assessed **costs** of these proceedings in the amount of thirty-five (\$35.00) dollars. Said costs shall be paid by money order or cashier's check payable to the Board of Nursing and delivered to the Board of Nursing office.

Respondent's license shall be suspended, and Respondent shall not practice nursing in Kansas, for at least 90 days from April 1 - June 30, 1997. If Respondent has paid the fine and costs by June 30, 1997, the suspension shall be stayed, allowing the Respondent to practice nursing in Kansas until expiration and/or renewal or reinstatement of her license. If Respondent has not paid the fine and costs by June 30, 1997, the suspension shall remain in effect until the fine and costs are paid to the Board. If Respondent pays the fine and costs between June 30 - December 31, 1997, the suspension shall be stayed allowing the Respondent to practice nursing in Kansas until expiration and/or renewal or reinstatement of her license.

Respondent's current license expires December 31, 1997. Renewal or reinstatement of her license after December 31, 1997 is contingent upon Respondent complying with this


order. Respondent has the duty to submit a renewal application on or before December 31, 1997 to maintain her licensure status. Should Respondent's license expire December 31, 1997, without a renewal application submitted, Respondent has the duty to submit a reinstatement application if she desires to be considered for licensure at some future date.

IT IS SO ORDERED.



Terry E. Beck
Hearing Officer

Prepared and Submitted by:



Mark S. Braun
Disciplinary Counsel
Assistant Attorney General
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230

NOTICE REGARDING RELIEF FROM THIS ORDER
STATEMENT OF APPEAL RIGHTS

This is an Initial Order. The parties to whom this Initial Order is issued may file a petition for review with the Agency Head within fifteen (15) days after service of this order. The petition for review must state the specific grounds upon which relief is requested. Unless a later date is stated within the Initial Order, a stay is granted, or the order is reviewed, an Initial Order shall become a final order without further notice or proceedings thirty (30) days after the date of service as indicated by the attached certificate of service.

CERTIFICATE OF SERVICE

This is to certify that on the 1st day of April, 1997, I deposited a true and correct copy of the Initial Order in the United States Mail, first class mail, postage prepaid to the following:

**Bobbi Guerrero
1023 SW 16th Street
Topeka, Ks 66604-2910**

and by hand delivery to:

**Mark S. Braun
Assistant Attorney General
Kansas State Board of Nursing
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230**



**Diane M. Glynn, J.D., R.N.
Practice Specialist**