

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
Johanna Lynn Ricci**

**License No. 13-57421-091
Case No. 16-1037-7**

EFFECTIVE AS A
FINAL ORDER
DATE: March 1, 2019

SUMMARY ORDER

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 nurse license of Johanna Ricci, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

1. a. Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
- b. Licensee’s address of record is 3725 N 113th St, Kansas City KS 66109.
2. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
3. Pursuant to K.S.A. 65-1120(a), 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 is found to have violated the Nurse Practice Act. Pursuant to K.S.A. 74-1110 the Kansas State Board of Nursing may also assess a civil fine not to exceed \$1,000.00 for the first violation of a law or rule and regulation applicable to the practice for which such person has been granted a license.
4. After an investigation, the Board’s investigative committee found reasonable grounds to believe that the Applicant violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
5. 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, 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, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

FINDINGS OF FACT

6. (a) On October 19, 2015 the licensee operated a motor vehicle in the wrong direction of a public street. She was stopped by law enforcement. Marijuana was found in her car, and on

her purse were found cocaine and oxycodone. Licensee had no prescription for oxycodone. Licensee failed field sobriety and preliminary breath tests and was arrested for driving under the influence, and possession.

(b) Licensee was charged in the District Court of Johnson County, Kansas, case no. 15CR2552, with felony possession of cocaine and oxycodone, driving under the influence of alcohol, and possession of marijuana.

(c) Licensee was convicted in the District Court of Johnson County, Kansas on April 15, 2016 on her pleas of guilty to the charges of felony possession of cocaine, and driving under the influence (second conviction; prior conviction was in 2013).

(d) Licensee self-referred to KNAP, the Board of Nursing's impaired provider program, and signed a 3 year monitoring contract on August 18, 2016.

(e) Licensee was terminated from the KNAP program on November 18, 2016 for non-compliance with that program.

(f) In terminating the licensee KNAP wrote, "Without random drug screens we cannot say that you are remaining abstinent from drug and alcohol, nor can we say that you are safe to practice nursing."

VIOLATIONS

7. The above fact findings establish evidence that the Licensee violated the following provisions of the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(2), to have been guilty of a felony, or to have been guilty of a misdemeanor involving an illegal drug offense.

Count 2: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to complete the requirements of the impaired provider program of the Board.

Count 3: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 4: K.S.A. 65-1117(c)(1) failing to notify the Board in writing of a conviction of any felony or misdemeanor that is specified in rules and regulations adopted by the Board, within 30 days from the date the conviction becomes final, regardless of whether the sentence was suspended or probation was granted.

8. The evidence supports a finding that the licensee is unsafe to practice as a nurse and that her license should be suspended. If the licensee re-enters KNAP and is compliant with that program for six months then licensee may request that her suspension be lifted.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

- 1. Licensee's license is suspended.**
- 2. Licensee shall not practice nursing in the state of Kansas.**

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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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.

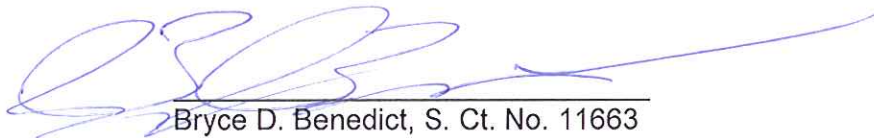


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 2th day of February, 2017, the foregoing copy of the Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Johanna Ricci
3725 N 113th St
Kansas City KS 66109



Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General

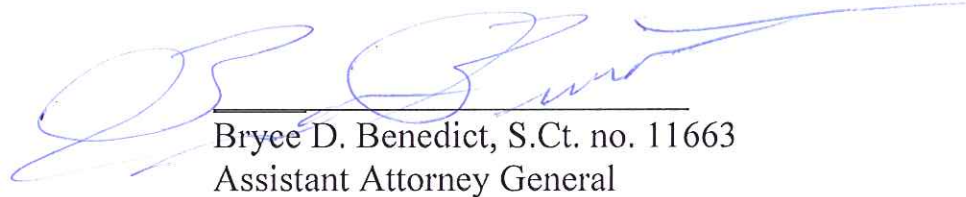
FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition must be filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka KS 66612.

CERTIFICATE OF SERVICE

I certify that on the 15th day of March, 2017, a copy of the Final Order, and Final Order Notice of Rights, were served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Johanna Ricci
3725 N 113th St
Kansas City KS 66109


Bryce D. Benedict, S.Ct. no. 11663
Assistant Attorney General