



BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING
900 S.W. JACKSON, #551-S
TOPEKA, KANSAS 66612-1230

IN THE MATTER)
)
OF) Case No: 93-0290-6
)
BRENDA WELDON)
LICENSE NO. 13-062100-082)

PROPOSED DEFAULT ORDER

NOW ON THIS 19th of May, 1995, the above-captioned matter comes on for hearing on the Petition, before Terry E. Beck, Hearing Officer designated by the Board. The Petitioner appears by and through Assistant Attorney General Mark S. Braun, Board Disciplinary Counsel. Respondent does not appear.

Whereupon, the Hearing Officer asks the Petitioner if he is ready to proceed. Petitioner's counsel states he is ready and, pursuant to K.S.A. 77-520, states an oral motion for a default judgment based on the Respondent's failure to appear. In support of the motion, the Petitioner states as follows:

1. A Notice of Proceedings, which included: a copy of the Notice of Scheduling Hearing and a Notice Hearing, was served on

the Respondent at her last address known to the Board, P.O. 392, Chanute, Kansas 66720, on March 17, 1995.

2. The Notice of Proceedings stated that the Scheduling Hearing was set for 1:30 p.m., March 31, 1995. Respondent did not appear at the Scheduling Docket, nor did anyone appear on her behalf. Further, there was no contact by the Respondent, nor anyone on her behalf, regarding this case.

3. The Notice of Proceedings stated that the Hearing in this matter was scheduled for 9:30 a.m., May 19, 1995. Respondent did not appear at the Hearing time, nor did anyone appear on her behalf. More than ten (10) days have elapsed since the Respondent was served.

4. No written notice or request for continuance was received by the Board as is provided for in the Notice of Proceedings

Whereupon, the Hearing Officer makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Paragraphs 1-4 stated above are adopted as facts in this case.

2. Respondent was entitled to practice in Kansas as a registered professional nurse (R.N.), having been issued license number 13-062100-082. Said license expired on August 31, 1992.

3. Respondent did not timely file a renewal application prior to the expiration of her R.N. license.

4. On or about November 15, 1994, the Respondent filed an application for reinstatement of her Kansas R.N. license.

5. The Respondent practiced nursing in the State of Kansas from September, 1992 - June, 1993 without a license.

6. The Respondent altered, or caused to be altered, her license to practice to make it appear that the license expired in 1994, when it actually expired in 1992.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter because it involves conduct alleged to be in violation of the Kansas Nurse Practice, K.S.A. 65-1113 et seq.

2. This Board has jurisdiction over the Respondent because of her application for reinstatement of her license to practice as a registered professional nurse (R.N.) in the State of Kansas.

3. The Hearing Officer, by designation of the Board, has the authority to issue disciplinary action against the Respondent's license to practice as a registered professional nurse (R.N.) in Kansas, pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501, et seq.

4. Notice of the proceedings and service of the notice were done in accordance with requirements of the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq., and the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and therefore, are found to be proper.

5. K.S.A. 65-1120(b) authorizes the Board to conduct all proceedings in accordance with the provisions of the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

6. Respondent violated the Kansas Nurse Practice Act as stated in paragraph 5 of the Petition, by practicing nursing in the State of Kansas without a license, in violation of K.S.A. 65-1120(a)(7), having willfully violated a provision of the Nurse Practice Act, specifically K.S.A. 65-1112(1) and (2), practicing nursing in the State of Kansas and holding herself out to practice as a nurse in the State of Kansas.

7. Respondent violated the Kansas Nurse Practice Act as stated in paragraph 6 of the Petition, by altering her license or causing her license to be altered to make it appear that the license expired in 1994, when it actually expired in 1992. Such conduct is unprofessional conduct in violation of K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(d), altering a record of an agency.

8. The Board and the Hearing Officer by the Board's designation has the authority to issue proposed default orders pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.


9. Respondent did not appear at the scheduling docket; does not appear at the hearing and, therefore, is found to be in default in these proceedings.

10. Therefore, Respondent is found to have violated the Nurse Practice Act.

ORDER


Based upon the Findings of Fact and Conclusions of Law, **It Is Ordered** that the application for reinstatement to practice as a registered professional nurse (R.N.) submitted by the Respondent is hereby **denied**.

IT IS SO ORDERED



Terry E. Beck
Hearing Officer

PREPARED AND SUBMITTED BY:



Mark S. Braun
Assistant Attorney General #12680

NOTICE REGARDING THIS PROPOSED DEFAULT ORDER

This is a Proposed Default Order. The party against whom it is issued may file a written motion with seven (7) days after service, requesting that the Proposed Default Order be vacated and stating the grounds relied upon.

The Proposed Default Order shall become effective after expiration of the time within which the party may file a written motion to vacate the Order is filed with the agency within such time.

Upon receipt of a motion to vacate a Proposed Default Order, the Presiding Officer shall either vacate the Proposed Order or issue the Default Order as proposed. If the Hearing Officer issues a Default Order as proposed, the Order shall become effective upon service.

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Proposed Default Order was served by depositing same in the United States Mail, first class postage prepaid, this 7th day of August, 1995, to:

Brenda Weldon
P.O. Box 392
Chanute, Kansas 66720

And by hand delivering a copy of same to:

Mark S. Braun
Disciplinary Counsel
Kansas State Board of Nursing
Landon State Office Building
900 S.W. Jackson, Room 551-S
Topeka, Kansas 66612-1230



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