

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

JAN 3 2011

**KSBN**

**IN THE MATTER OF**

**WENDY R. SALEEM**

**License No. 13-64201-041**

**Case No. 10-837-5**

**SUMMARY ORDER**

Now this 3rd day of January, 2011, 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 RN reinstatement application of Wendy R. Saleem (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 Applicant's license to practice nursing in the state of Kansas as an RN was revoked on or about 03/29/2010 in Case No. 08-479-5. Applicant submitted an application for reinstatement of Applicant's license to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant's address of record is 401 Pine, Box 418, Goddard KS 67052.
3. On or about 6/30/2010, the Board received Applicant's application for reinstatement of Applicant's license to practice nursing in the state of Kansas.
4. Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
5. In Case No. 08-479-5, the Applicant failed to take appropriate action, diverted drugs, and failed to report past misdemeanors. Applicant was employed at Wesley Rehabilitation Hospital, Wichita Kansas, from on or about 6/7/2004 to on or about 3/31/2008. While working at Wesley Rehabilitation Hospital, Applicant was observed pulling pain medication for patients that she did not document as given to the patients. On or about 3/17/2008, 3/19/2008, 3/23/2008, and 3/24/2008, Pyxis reflects that Applicant removed 79 medications from the system within four days, of which 69 were not documented. On or about 3/31/2008, Applicant was terminated from Wesley Rehabilitation Hospital.
6. On or about 12/8/2009, the Board filed a Petition to revoke Applicant's nursing license.
7. On or about 2/23/2010, a pre-hearing conference was held on Applicant's case No. 08-479-5. Applicant did not appear. On or about 2/23/2010, the Board filed a Proposed Default Order to Revoke License. The Applicant did not file a written motion with the Board stating why the Proposed Default Order should be vacated.
8. Applicant's nursing license was revoked on or about 3/29/2010.

9. On or about 6/7/2010, the Board received information that Applicant had been employed as a nurse, working without her license from after her revocation until 5/28/2010 for Interim Health Care, Wichita Kansas.
10. On or about 6/30/2010, the Board opened a new case, 10-837-5, to investigate the above-referenced information. An investigation confirmed that Applicant had worked as a nurse with Interim Health Care from 2/2/2010 to 5/28/2010.
11. On or about 6/30/2010, Applicant filed a reinstatement application with the Board.
12. On or about 10/27/2010, the Board Investigative Committee chair reviewed the Applicant's reinstatement application. The Committee chair set out sixteen (16) requirements to be met by the Applicant for reinstatement of her license.
13. In a letter dated 12/10/2010, the Applicant was informed of these above-referenced requirements and offered a final order and consent agreement.
14. The Applicant did not respond to the 12/10/2010 letter.

#### **CONCLUSIONS OF LAW**

1. 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. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:
  - a. Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), drug diversion;
  - b. Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board;
  - c. Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct 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;
  - d. Count 4: K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol; In the alternative, K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing;

- e. Count 5: K.S.A. 65-1120(a)(4): unprofessional conduct by K.A.R. 60-3-110(v), practicing without a license or while the license has lapsed.
2. Per *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991), the factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made are the following:
    - a. The present moral fitness of the petitioner;
    - b. The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
    - c. The extent of petitioner's rehabilitation;
    - d. The nature and seriousness of the original misconduct;
    - e. The conduct subsequent to discipline;
    - f. The time elapsed since the original discipline;
    - g. The petitioner's character, maturity, and experience at the time of the original revocation;
    - h. The petitioner's present competence in medical skills.
  3. Applicant's conduct described herein violates the Kansas Nurse Practice Act.
  4. 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.

#### POLICY STATEMENT


1. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

1. **Applicant's RN reinstatement application, received by the Board on 06/30/2010, 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.



*PN*


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

CERTIFICATE OF SERVICE

I certify that on the 3<sup>rd</sup> day of January, 2011, 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:

Wendy R. Saleem  
401 Pine, Box 418  
Goddard KS 67052.

  
Danielle R. Sanger, #24587  
Assistant Attorney General