

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED # 951
FEB 27 2013 *PLK*
KSBN

IN THE MATTER OF JEANNA KAYLYNN MADDEX

License No. 13-69095-082

Case No. 12-1202-0 and 07-556-0

SUMMARY ORDER

NOW ON THIS 27th day of February, 2013, 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 proposed to find facts and take disciplinary action against the renewal application of Applicant by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Licensee submitted a reinstatement application 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 408 NE 74th Street, Kansas City, MO 64118.
3. On or about 8th day of August, 2012, the Board received Licensee's reinstatement application 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. Licensee was diagnosed with polysubstance dependence and referred to KNAP for evaluation and monitoring in December, 2004.
6. Licensee entered into a three year agreement as KNAP participant on the 16th of May, 2005.
7. In August, 2006, licensee relapsed and in May, 2007 KNAP sent licensee a letter indicating licensee was non compliant with her KNAP Agreement and KNAP closed her case.
8. Licensee stated that she did not complete KNAP and took herself out of patient care areas.

9. Licensee failed to attend monthly monitoring meetings, 12 step meetings nor had urine drug screens since May of 2006.
9. Licensee allowed her license to lapse on the 31st day of August, 2006.
10. Licensee answered "no" on her reinstatement application to the questions "Is an investigation and/or disciplinary action pending against any license."
11. Licensee was referred to KNAP on the 30th day of August, 2012 for a chemical dependency evaluation with subsequent monitoring.
12. The KNAP case was closed due to licensee never responding to this request.

CONCLUSIONS OF LAW

1. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
2. K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.
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.
4. K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).
5. Licensee's conduct described herein violated the Kansas Nurse Practice Act and renders the Licensee non-qualified for reinstatement of her license.
6. 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 authorization, if the applicant, licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice

Act. The above fact findings established evidence that the applicant violated the following provisions of the Nurse Practice Act:

- (a) K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing.
- (b) K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended ... by a licensing authority of another state.
- (c) K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- (d) K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.
- (e) K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.
- (f) K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program

KAR 60-3-110(s).

(g) The above fact findings established evidence that the applicant violated the following provisions of the Nurse Practice Act:

- a. K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations.
- b. K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.
- c. K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act.

- d. K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.
 - e. K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).
- 3 Applicant's conduct described herein violated the Kansas Nurse Practice Act and renders the applicant non-qualified for obtaining a reinstatement of his/her license.
 - 4 K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings does not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.
 - 5 The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

POLICY STATEMENT

1. It is imperative for the safety of Kansas Citizens and vulnerable patient's in the nurses case, that the Board seek avenues of monitoring and evaluation of nurses and any circumvention of this effort is not conducive to good patient care.
2. Truthfulness is a hallmark of the nursing profession and is required to ensure accurate communication of all nursing actions

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

1. **Licensee's reinstatement application to practice nursing in the state of Kansas is denied.**
2. **Upon reinstatement in addition to the submission of the proper forms, fees and documentation of 30 hours of CNE, the applicant will be required to submit proof of completion of a course of CNE that teaches about the Kansas Nurse Practice Act.**

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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.


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

CERTIFICATE OF SERVICE

On the 27th day of February, 2013, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Jeanna Kaylynn Maddex
408 NE 74th Street
Kansas City, MO 64118


Michael R. Fitzgibbons #12287
Assistant Attorney General