

FILED

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KSBN

August 6th, 2007

Doreen A. Andersen
550 W Central Ave Apt 1608
Wichita, KS 67203

Case No. 05-746-4
License No. 13-070386-012

SUMMARY ORDER

Dear Ms. Andersen:

The Investigative Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a registered nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) On or about 10/26/2006, an Initial Order was entered, following a hearing, in case number 05-746-4. The result of the Initial Order was that Applicant's license to practice nursing in the state of Kansas was revoked. In addition to findings of fact, the Initial Order made findings that the Applicant violated the following sections of the Kansas Nurse Practice Act: K.S.A. 65-1120(a)(2); K.S.A. 65-1120(a)(3); and K.S.A. 65-1120(e)(3). A copy of the Initial Order is attached and incorporated into this Summary Order as if set forth in full.

(b) On or about 11/6/2006, Applicant requested a review of the Initial Order. On or about 11/21/2006, Applicant's request for review of the Initial Order was denied pursuant to a Final Order Denying Review.

(c) On or about 12/5/2006, Applicant petitioned for a reconsideration of the Final Order Denying Review. On or about 12/12/2006, Applicant's petition for reconsideration was denied pursuant to an Order Denying Petition For Reconsideration. On or about 1/13/2007, revocation of Applicant's license to practice nursing in Kansas became effective.

(d) On or about 3/29/2007, Applicant submitted an application to the KSBN for reinstatement of her license to practice nursing in Kansas. Applicant's reinstatement application did not address the factors outlined in *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991).

CONCLUSIONS OF LAW

2. 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) 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 without establishing sufficient rehabilitation.

(b) K.S.A. 65-1120(a)(3), 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.

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:

- The present moral fitness of the petitioner;
- The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- The extent of petitioner's rehabilitation;
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.

3. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application in whole or in part.

4. Your conduct described herein violates the Kansas Nurse Practice Act.

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

6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

7. 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 above, this

Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.



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

CERTIFICATE OF SERVICE

I certify that on the 6th day of August, 2007, 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:

Doreen A. Andersen
550 W Central Ave Apt 1608
Wichita, KS 67203



Mark A. Knight, #12183
Assistant Attorney General