

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED # 899  
FEB 08 2013 pab

**IN THE MATTER OF  
MICHELLE M. LEBLANC  
License No. 13-070591-072 (Applicant)**

**KSBN**

**Case No. 09-1106-5**

**SUMMARY ORDER**

Now this 8th 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 proposes to deny the reinstatement application filed by Michelle M. LeBlanc on October 15, 2012, as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. (a) Applicant filed a reinstatement application on or about October 15, 2012. Applicant was licensed in Kansas but allowed her license to lapse in July of 2008. At the time she allowed her license to lapse, the Applicant was a witness in a medical malpractice suit filed in the District Court of Sedgwick County, Kansas, Case No. 2008CV353-TM in January 2008. Applicant was alleged to have provided substandard care to a patient at Wesley Hospital. The Board has jurisdiction over the Applicant and the subject matter of this action.

(b) Applicant's address of record is 4358 South Chinook Avenue, Boise, Idaho 83709.

(c) On or about September 8 through 16, 2006, Applicant was licensed to practice nursing in Kansas and was employed by Wesley Hospital in Wichita, Kansas. Applicant was assigned to provide care to a patient, who had a total hip replacement on or about September 8, 2006. The patient was dismissed home on September 16, 2006 but was admitted to Via Christi Regional Medical Center in Wichita on September 22, 2006 with an infected hip. It was alleged that the Applicant exposed the patient to bacteria by placing a dressing that had been dropped on the ground, and then placed on the patient's fresh hip wound soon after his hip replacement surgery at Wesley. The patient's drainage was cultured and found to contain Excherichia coli (E. Coli). The patient has had several subsequent surgeries to address the infection.

(d) A jury determined that the Applicant did drop the bandages while dressing the fresh incisions and introduced E. Coli into the patient's wound. The jury awarded damages and punitive damages because the hospital showed reckless disregard for the patient's welfare because the Applicant was employed at Wesley at about the same time she was arrested for and was convicted of possession of methamphetamine. The matter was ultimately settled out of court. Applicant did not testify or honor a subpoena for a deposition in the matter. Applicant denies any responsibility and indicates she has no memory of the events.

(e) Applicant has been convicted of several felonies while licensed as a nurse in Kansas from 1994 -2008:

1. Applicant was convicted of two counts of Felony Forgery, K.S.A. 21-3710(a) in Sedgwick County, Kansas District Court, Case No. 08CR674 on or about 2/11/2009. She was sentenced to 18 months of probation.

2. Applicant was convicted of Felony Possession of Methamphetamine with Intent to Sell, in violation of K.S.A. 65-4161(a) in Sedgwick County, Kansas District Court, Case No. 08CR2238 on or about 2/11/2009. She was sentenced to 24 months of supervision.

3. Applicant was convicted of Felony Forgery, in violation of K.S.A. 21-3710(a)(2) in Sedgwick County, Kansas District Court, Case No. 08CR2854 on or about 2/11/2009. She was to probation for 18 months.

4. Applicant was convicted in the District Court of Harvey County, Kansas, Case No. 08CR264 of Felony Possession of Methamphetamine, contrary to K.S.A 65-4107(d)(3) on or about December 23, 2008.

(f) Applicant was convicted of the following misdemeanors:

1. Applicant was convicted in the Municipal Court of the City of Wichita, Sedgwick County, Kansas in Case No. 08CM3855 of Obstruction of Official Duty, contrary to Ordinance No. 572.010 B on or about 11/19/2008.

2. Applicant was convicted of speeding and no proof of insurance in the Municipal Court of the City of Wichita, Sedgwick County, Kansas in 10TM28608 on or about 6/16/2010.

(g) Applicant provided a letter from a William A. Dobson IV, PhD dated 10/2/2012. The letter was not on letterhead from his employer, the Desert Sage Health Clinic in Mountain Home, Idaho. In the letter he indicates he believes her nursing license should be reinstated but provides no professional opinion on whether or not she would be safe to practice.

(h) Further investigation by the Board and statements made by both the Applicant and William Dobson, demonstrated that the Applicant and William Dobson have had a close personal relationship since they were children and there is no indication that it is solely a therapeutic or professional relationship. Applicant reported that she had moved to Idaho to be near William Dobson. The cell phone used by Applicant to contact the Board was in William Dobson's name.

(i) Applicant reports she completed out patient drug and alcohol treatment in 2009 as required by the terms of her probation in the felony criminal cases listed above. There is no indication that she completed a referral for mental health services, made by her out-patient provider.

#### **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 unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...;

(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)(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) K.S.A. 65-1120(a)(3) to have committed an act of professional incompetency as defined in subsection (e); (1) One or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;

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, 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.

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

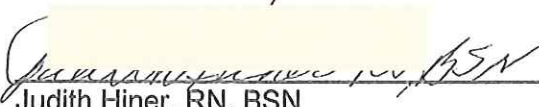
**IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**

**1. Applicant's application to reinstate her license to practice nursing in the state of Kansas is denied.**

**3. Applicant 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.

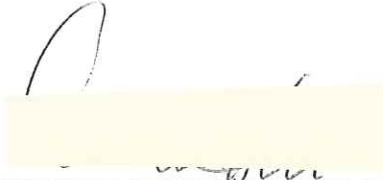
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

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

CERTIFICATE OF SERVICE

I certify that on the 8<sup>th</sup> day of February 2013, 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:

Michelle M. LeBlanc  
4358 South Chinook Ave.  
Boise, Idaho 83709

  
Alma A. Heckler, #11555  
Assistant Attorney General