

Rex G. Beasley #08777
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING
LANDON STATE OFFICE BUILDING
900 S.W. JACKSON, #551-S
TOPEKA, KANSAS 66612-1230
785 296-8401

IN THE MATTER

OF

PATTY BECKER

LICENSE NO. 13-073071-122

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Case No: 96-0446-3

PROPOSED DEFAULT ORDER

On the 25th day of August 1998, the above-captioned matter came on for a hearing before Terry E. Beck, the Board's designated Hearing Officer. The Petitioner appeared by and through Assistant Attorney General Rex G. Beasley Disciplinary Counsel for the Board. The Respondent Patty Becker did not appear.

Whereupon, the Hearing Officer asked the Board's if it was ready to proceed. The Board's counsel stated that the Board was ready. Thereafter counsel stated that paragraph 6(k.) of the petition contained a typographical error and the statute cited should be K. S. A. 79-7201. Counsel's motion to correct the citation, was granted. Pursuant to K.S.A. 77-520, the Board's counsel made and an oral motion for a default judgment based on the Respondent's failure to appear. In support of the motion, the Board stated and showed the following:

1. Proper notice was given to the Respondent at her last address known to the Board.
2. No request for a continuance was ever made, Respondent did not appear at the hearing, nor was there any other contact by from her or anyone on her behalf.

3. The allegations of the Board's petition are true. Respondent's license to practice nursing in Kansas should be revoked.

WHEREUPON, after reviewing the file, listening to the evidence and arguments of counsel, and otherwise being well advised, the Hearing Officer made the following findings of fact and conclusions of law:

1. It was past the time scheduled for the hearing and the Respondent had failed to appear and was in default.


2. The allegations of the petition are true and are adopted as findings and conclusions herein.

3. Respondent's license to practice nursing in the State of Kansas should be revoked.

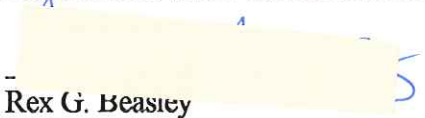
4. The Board's motion for default should be granted.

IT IS THEREFORE ORDERED that the Board's petition and motion are granted. Respondent's license to practice nursing in Kansas should be, and is hereby, revoked. Respondent may not practice nursing in the state of Kansas. Respondent may not hold herself out as, or represent herself to be, a nurse in the State of Kansas. Costs of the action in the sum of \$35.00 are hereby taxed to Respondent to be paid to the Board by cash, money order, or certified check within 30 days of the effective date of this Order.

IT IS SO ORDERED.


Terry E. Beck
Hearing Officer

PREPARED AND SUBMITTED BY:


Rex G. Beasley
Disciplinary Counsel

NOTICE REGARDING THIS PROPOSED DEFAULT ORDER

This is a Proposed Default Order. The party against whom it is issued may file a written motion within seven (7) days after service, requesting that the Proposed Default Order be vacated and stating the grounds relied upon. Unless a written motion to vacate is filed, the Proposed Default Order shall become effective after expiration of the time Stated above. If a motion to vacate a Proposed Default Order is timely filed, 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 on the 4th day of September, 1998, I deposited a true and correct copy of the Proposed Default Order in the United States Mail, first class mail, postage prepaid to the following:

Patty Becker
120 E Jewell
Salina, Kansas 67401

Patty Becker
1627 Beverly, Box A-8
Salina, Kansas 67401

and by hand delivery to:

Rex G. Beasley
Assistant Attorney General
Kansas State Board of Nursing
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230



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

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PETITION

COMES NOW the Petitioner, the Kansas State Board of Nursing by and through its Disciplinary Counsel, Assistant Attorney General Rex G. Beasley, and initiates these proceedings under the provisions of K.S.A. 65-1120, and for its cause of action, alleges and states:

1. Respondent's mailing address provided to the Board is 120 E. Jewell Salina, Kansas 67401. Respondent's current address is believed to be 1627 Beverly Drive Salina, Kansas

2. Respondent is or has been entitled to practice as a registered nurse (R.N.) in the State of Kansas, having been issued license no. 13-073071-122, having an expiration date of December 31, 1998.

3. The Kansas State Board of Nursing, hereinafter referred to as the "Board," has received information, conducted an investigation, and determined there are reasonable grounds to

believe Respondent has committed acts in violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

4. This is the third time Respondent had been investigated by the Board.

5. The Board has requested that the office of the Attorney General prosecute this action. Carla J. Stovall is the duly elected and acting Attorney General for the State of Kansas.

6. Since the issuance of the license, Respondent has committed acts in violation of K.S.A. 65-1113, et seq., as follows:

(a.) In 1996 Respondent was licensed at the same time as a Registered Nurse (R.N.) and as a Licensed Practical Nurse (L.P.N.) The Respondent's L.P.N. license was No 23-024692-122. Both licenses had expiration dates of December 31, 1996.

(b.) In 1996 the most current residence address Respondent had given to the Board in connection with her R.N. license was 120 E. Jewell Salina, Kansas. The most current residence address Respondent had given to the Board in connection with her L.P.N. license was Rt. 1 Box 49 Marquette, Kansas

(c.) In the fall of 1996 the Board sent Respondent a renewal application for her R.N. license to the Salina address and a renewal application for her L.P.N. license to the Marquette address.

(d.) Respondent intended to allow her L.P.N. license to lapse and to renew her R.N. license, however she completed and returned only the L.P.N. application to the Board. A true and correct copy of the completed application is attached hereto as Exhibit A. The Board processed the application and mailed a new L.P.N. license to the Respondent at the Marquette address.

(e.) On November 7, 1996 Respondent called the Board to inquire why her L.P.N. license was renewed instead of her R.N. license. Ms. Boline, the Board's employee who took the initial call advised Respondent that she would check the files and call Respondent back with an explanation. When Ms. Boline called back with the explanation, Respondent became very angry and irate. Respondent became abusive, profane and vulgar to Ms. Boline. The Respondent was transferred to the Board's Practice Specialist. Respondent was abusive, profane and vulgar to the Board's Practice Specialist. Immediately following her conversation with Respondent, Ms Boline made notes of what Respondent had said to her. A true and correct copy of Ms. Boline's notes are attached hereto as Exhibit B.

(f.) The Board renewed Respondent's R.N. license. Respondent let her L.P.N. license expire at the end of December 1996.

(g.) As a consequence of Respondent's conduct and an arrest for driving under the influence of alcohol, the Board referred Respondent to the Kansas Nurse Assistance Program (K.N.A.P.) on May 19, 1997.

(h.) On June 23, 1997 K.N.A.P. closed its files because of Respondent's failure to comply with the K.N.A.P. requirements. Copies of letters from K.N.A.P. are attached hereto as Exhibits C and D.

(i.) On February 20, 1998 Respondent was arrested and charged with possession of marijuana a misdemeanor in violation of K.S.A. 65-4162(a)(3).

(j.) On February 20, 1998 Respondent was arrested and charged with possession of drug paraphernalia a misdemeanor in violation of K.S.A. 65-4152(a)(2).

(k.) On February 20, 1998 Respondent was a drug dealer as defined by K.S.A. 59-7201.

(l.) On February 20, 1998 Respondent was arrested and charged with possession of marijuana without tax stamps affixed, a felony in violation of K.S.A. 79-5204 and K.S.A. 79-5201.

(m.) On May 20, 1998 Respondent plead guilty to and was convicted of the drug crimes set forth in paragraphs 6(i.), 6(j.), and 6(k.) above.

(n.) On September 14, 1993 Respondent was convicted of possession of drug paraphernalia, in violation of K.S.A. 65-4152.

(o.) On or about June 14, 1996 Respondent consumed alcohol while operating a motor vehicle. On that date Respondent operated a motor vehicle at a time when the alcohol concentration in her breath was .102 i.e. while she was under the influence of alcohol.

(p.) The Board's other investigations of Respondent as mentioned in paragraph 4 above involved marijuana use and possession of drug paraphernalia.



7. Respondent is an impaired provider because of drug and alcohol use.

8. Respondent's actions constitute violations of the Kansas Nurse Practice Act, K.S.A. 65-1120(a)(2), K.S.A. 65-1120(a)(3), K.S.A. 65-1120(a)(4), K.S.A. 65-1120(a)(6), K.S.A. 65-1120(a)(7), K.S.A. 65-1117, and K.S.A. 65-1122 for which she should be disciplined.

WHEREFORE, Petitioner prays that the Board serve the Respondent with a copy of this Petition and a copy of a Notice of Hearing as required by law. Petitioner further prays that upon evidence presented at the hearing, the Board make findings and conclusions that Respondent has committed acts in violation of the Kansas Nurse Practice Act, and that the Board take and impose such disciplinary action as it shall deem just and proper.

Respectfully submitted,

CARLA J. STOVALL
Attorney General

By:  
Rex G. Beasley
Assistant Attorney General

Attorney for Petitioner