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BEFORE THE KANSAS STATE BOARD OF NURSING

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

KSBN

IN THE MATTER OF KELLY JEAN SWEETLAND

License No: 13-74034-031

Case No. 09-1237-5

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 25th day of July, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Michael R. Fitzgibbons, Assistant Attorney General, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through March 31st, 2015. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Attorney for Respondent provided a cell phone number that he was available and the Hearing Officer contacted that cell phone number at the time of the hearing and he was unavailable. Respondent nor her attorney fail to appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per Petitioner's request, Respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.

7. Respondent shall immediately forward his or her original Kansas nursing license to the Kansas State Board of Nursing.
8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.
9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
10. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.



Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

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



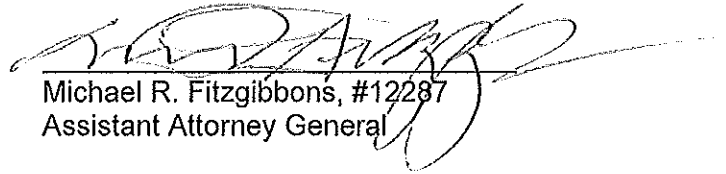
Michael R. Fitzgibbons, #12287
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 30th day of July, 2014, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Kelly Jean Sweetland
2363 S. Grove
Wichita, Kansas 67211

L.J. Buckner
50 Corporate Woods
9393 W. 110th Street Suite 500
Overland Park, Kansas 66210


Michael R. Fitzgibbons, #12287
Assistant Attorney General

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

KSBN

IN THE MATTER OF KELLY JEAN SWEETLAND

License No: 13-74034-031

Case No. 09-1237-5

AMENDED PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Michael R. Fitzgibbons, and for its cause of action states that:

1. Respondent, Kelly Jean Sweetland, is licensed to practice nursing in Kansas. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 2363 S. Grove Wichita, Kansas 67211
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:
 - (a) According to a report, it is alleged that while licensee was employed by Haysville Health Care, Haysville, Kansas, licensee signed out PRN meds for various patients under her care.

- (b) The residents that the PRN meds were charted to have received stated that they did not receive these meds.
- (c) This incident allegedly occurred on or about the 3rd day of November, 2009.
- (d) Licensee was requested to go to urine analysis testing for cause and failed to do so.
- (e) Employee was terminated for violation of substance abuse policy on the 9th day of November, 2009.
- (f) Licensee was referred to KNAP on the 17th day of December, 2010.
- (g) KNAP sent multiple requests to licensee and attempted phone contact at a phone number provided to them and the number was disconnected or no longer in service.
- (h) The KNAP case was closed the 27th of January, 2011 due to lack of response.
- (i) Licensee continues to change addresses without notifying the Board.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1 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).

Count 2: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 3: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

Count 4: K.S.A. 65-1117 (c) (1) (A) Each licensee shall notify the board in writing of a change in name or address within 30 days of the change.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By: 

Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

CERTIFICATE OF SERVICE


On the 9th day of June, 2014, I deposited a copy of this Amended Petition with the United States Postal Service, postage pre-paid, addressed to:

Kelly Jean Sweetland
2363 S. Grove
Wichita, Kansas 67211

L.J. Buckner
50 Corporate Woods
9393 W. 110th Street Suite 500
Overland Park, Kansas 66210

A copy was sent by Building Mail to the following:

Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612-1327


Michael R. Fitzgibbons #12287