

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

MAY 6 2010

**IN THE MATTER OF  
AMY S. KELLEY  
License No. 13-75635-032**

**KSBN**

**Case No. 03-456-5, 05-093-5, 05-691-5**

**SUMMARY ORDER**

Now this 7<sup>th</sup> day of May 2010, 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 find facts and take disciplinary action against the licensed registered nurse license of Amy S. Kelley (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 3/31/2006.
2. Licensee's address of record is 2136 E. Brookstone, Derby, KS 67037.
3. On or about March 11, 2010, Licensee entered a Consent Agreement and Final Order (Consent Agreement) with Board to resolve case numbers 03-456-5, 05-093-5, 05-691-5, based upon which the Board summarily denied Licensee's application for reinstatement of her license. The effective date of the Consent Agreement was March 11, 2010.
4. The Consent Agreement remains in effect until such time as the Licensee completes all conditions and requirements of the Consent Agreement. Licensee has not completed all the conditions and requirements of the Consent Agreement.
5. Pursuant to the Consent Agreement, Licensee's license to practice nursing in Kansas was suspended. The suspension was stayed so long as Licensee continued to meet the conditions and requirements of the Consent Agreement.
6. Conditions of the Consent Agreement included a condition that the Licensee participate in and complete the recommendations and requirements of the [REDACTED] and that Licensee enroll in the program within thirty (30) days of entering into the Consent Agreement. [REDACTED]
7. On or about April 15, 2010 [REDACTED] closed Licensee's [REDACTED] case due to noncompliance. [REDACTED] reported that Licensee failed to [REDACTED]. [REDACTED] By failing to enroll in the [REDACTED] within thirty days, Licensee has violated the Consent Agreement.
8. Pursuant to the Consent Agreement, the stay of suspension shall be lifted for six months as a result of the first violation of the consent agreement.

9. Pursuant to the Consent Agreement, should the Stay of Suspension be lifted due to a finding of non-compliance with the Consent Agreement, the Suspension will not again be Stayed until the Licensee has, following the prescribed time period of suspension, provided written verification to the Board that Licensee is in compliance with all conditions and requirements of the Consent Agreement.

### CONCLUSIONS OF LAW

10. 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 upon making any of the findings listed under K.S.A. 65-1120(a).

11. The Board has jurisdiction over the Licensee and the subject matter of this action.

12. Licensee's conduct described herein violates the Consent Agreement dated March 11, 2010.

13. Pursuant to K.S.A. 65-1120(a)(6) and the Consent Agreement, the Board may lift the stay of suspension of Licensee's license based on unprofessional conduct, as defined by K.A.R. 60-3-110(r), for failure to comply with any disciplinary order of the board.

14. Pursuant to K.S.A. 65-1120(a)(6) and the Consent Agreement, the Board may lift the stay of suspension of Licensee's license based on unprofessional conduct, as defined by K.A.R. 30-3-110(s), for failure to complete the requirements of the impaired provider program of the board.

15. K.S.A. 77-537 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.

16. The Board and Licensee entered into a negotiated settlement agreement allowing Licensee to be licensed despite history that would justify denial of the license. The role of the Kansas State Board of Nursing is to protect citizens of Kansas, and strict enforcement of such a negotiated settlement agreement furthers that purpose.

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

**1. The Stay of Suspension is lifted from Licensee's license due to a finding of non-compliance with Consent Agreement and Final Order in Board case numbers 03-456-5, 05-093-5, 05-691-5, dated March 11, 2010.**

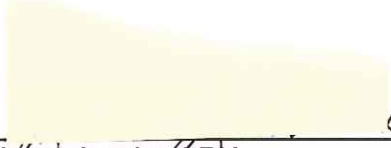
**2. Licensee's license to practice nursing in the state of Kansas is suspended for a period of six (6) months beginning on the effective date of this summary order, and the Suspension will not again be Stayed until the Licensee has, following the prescribed time**

**period of suspension, provided written verification to the Board that Licensee is in compliance with all conditions and requirements of the Consent Agreement.**

**3. Licensee shall not practice nursing in the state of Kansas or hold herself out as a nurse until the suspension has again been stayed.**

**Notice of Right to Hearing:** 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.

  
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Janet Jacobs LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 7<sup>th</sup> day of May 2010, a true and correct copy of the foregoing Summary Order was deposited the United States Mail, first-class postage prepaid, addressed to the following:

Amy S. Kelley  
2136 E. Brookstone  
Derby, KS 67037

And

Clinton E. Patty  
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*Counsel for Licensee*



Brenda J. Clary Assistant Attorney General