

Kansas State Board of Nursing

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October 30, 2003

Filed
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Board of Nursing

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785-296-3782
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Practice Specialist
785-296-8401

Assistant Attorney General
Disciplinary Counsel
785-296-4325

Mary Lewis
305 W. 6th
Pittsburg, KS 66762

SUMMARY ORDER

Dear Ms. Lewis:

The Disciplinary Committee of the Kansas State Board of Nursing has reviewed your application materials and on behalf of the Board members I am approving your reinstatement application to practice nursing as a registered nurse (R.N.) in Kansas. This approval however is for a **limited license**. **The license will be limited to no practice with minors. The license card will be issued with an L, to show a limitation.** The limitation could be modified in the future through a written request and evidence presented to the Board. **The L will be a permanent limitation through all renewal periods** and is based upon the following:

FINDINGS OF FACT

1. Respondent has submitted an application for a reinstatement of her nursing license received by the Board June 6, 2003.
 2. Respondent's license lapsed 1/31/99. Since it has been less than five years since the lapse, no refresher course is required. She has provided 30 hrs of CNEs as required.
 3. The respondent was convicted 10/23/97 in US Federal Court Case 97-10095-01 and pled guilty to violation of 18 USC section 2252(A)(4)(b) *knowingly aided and abetted Clark Lewis in the possession of 3 or more photographs or video tapes which contained visual depictions of minors engaged in sexually explicit conduct. These visual depictions were produced using materials which were mailed or transported in interstate commerce.* The respondent served time in prison for the crime.
 4. The application for reinstatement was followed with a psychological evaluation done on respondent in November of 1997 by the Wichita Psychiatric Consultants. The evaluation described a diagnosis of personality disorder with self-defeating and avoidant features. It states that the patient is "in no manner a threat to her children or the community." It was recommended that she receive outpatient psychotherapy.
 5. The respondent's federal probation officer, Chris McNeill, stated by phone on
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outpatient counseling locally and has been compliant with her probation.

6. Respondent has not practiced nursing in Kansas since 1997.

CONCLUSIONS OF LAW

1. K. S. A. 65-1120(a) provides that the board may limit any license, the ground to limit this license is found:

(2)To have been guilty of a felony... unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust

2. 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.

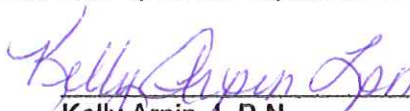
3. Your conduct described herein violates the Kansas Nurse Practice Act.

4. If the information provided is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

5. Pursuant to K.S.A. 1992 Supp 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.

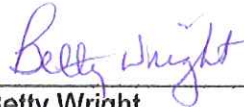


Kelly Arpin, L.P.N.
Board Member

CERTIFICATE OF SERVICE

I certify that on the 17th day of November, 2003, 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:

Mary Lewis
305 W. 6th
Pittsburg, KS 66762



Betty Wright
Assistant Attorney General