

Kansas State Board of Nursing

Landon State Office Building
900 S.W. Jackson, Rm. 551 S
Topeka, Kansas 66612-1230
785-296-4929
FAX 785-296-3929



Patsy L. Johnson, R.N., M.N.
Executive Administrator
785-296-5752
ksbn0@ink.org

December 11, 1998

Luana M. Wilendez
1507 N. 87th Pl. #18
Kansas City, Kansas 66112

SUMMARY ORDER

Dear Ms. Wilendez :

I have reviewed your application materials and on behalf of the Board members am denying your reinstatement application to practice as a registered nurse in Kansas. This denial is based upon the following:

I. FINDINGS OF FACT

1. Respondent answered "Yes" on question number 13, on the application which asks "Have you ever been convicted of a misdemeanor or felony?"
2. Respondent supplied the Board with a certified copy of a Presentence Investigation report in case number 97 CR 735 State of Kansas vs. Wilendez, Luana M. from the District Court of Johnson County, Kansas Criminal Department. That court record reveals that on May 16, 1997 Respondent was convicted of Criminal Threat, a person felony in violation of K. S. A. 21-3419.
3. Respondent has a felony conviction for a crime against persons as specified in article 34 chapter 21 of the Kansas Statutes Annotated.

II. CONCLUSIONS OF LAW

1. K.S.A. 65-1116 provides that the Kansas State Board of Nursing shall grant a license to individuals that meet certain qualifications as set by statute.
2. K.S.A. 65-1120(a)(2) prohibits granting of a license to practice nursing to a person with a felony conviction for a crime against persons as specified in article 34 chapter 21 of the Kansas Statutes Annotated.

Janette Pucci, R.N., M.S.N.
Education Specialist
296-3782
ksbn1@ink.org

Patricia McKillip, R.N., Ph.D.
Education Specialist
296-3782
ksbn1@ink.org

Diane Glynn, R.N., J.D.
Practice Specialist
296-4325

Rex G. Beasley, J.D.
Assistant Attorney General
Disciplinary Counsel
296-8401

3. Because Respondent has a felony conviction for a crime against persons as specified in article 34 chapter 21 of the Kansas Statutes Annotated, K. S. A. 65-1120(a)(2) prohibits the Board from granting her reinstatement application.
4. K.S.A. 65-1120(b) authorizes the board to deny a license in accordance with the provision of the Kansas Administrative Procedures Act.
5. 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.

III. ORDER

Based on the above and foregoing Findings of Fact and Conclusions of Law, Respondent's application for a license to practice nursing as a registered nurse in the State of Kansas is hereby denied.

If you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing.

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:

Practice Specialist
Kansas State Board of Nursing
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
(913) 296-8401

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.

The Kansas State Board of Nursing

By *Leona Beezley*
Leona Beezley, R.N.
Board Member

CERTIFICATE OF SERVICE

I certify that on the 1/14 day of December, 1998, 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:

Luana M. Wilendez
1507 N. 87th Pl. #18
Kansas City, Kansas 66112



Patsy Johnson, M.N., R.N.
Executive Administrator