

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**APR 26 2011**

**IN THE MATTER OF  
JENNIFER A. ALLEN  
License No. 13-080432-081**

**KSBN**

**Case No. 02-581-0, 10-077-9**

**NUNC PRO TUNC PROPOSED DEFAULT ORDER TO DENY LICENSE**

NOW ON THIS 26<sup>th</sup> day of April, 2011, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing, Sandra Sharon duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The petitioner, the Kansas State Board of Nursing, appears by Assistant Attorney General, Alma A. Heckler. The respondent, Jennifer A. Allen, by and through her attorney Carl Cornwell has informed the Board the respondent does not want to proceed to a hearing on the petitioner's petition to deny the respondent's reinstatement of her license to practice nursing. Respondent, through her attorney informs the Board she will not appear for the prehearing on March 29, 2011. Respondent's application for reinstatement should be denied. The presiding officer makes the following findings of fact and orders:

**FINDINGS OF FACT**

1. Respondent, Jennifer A. Allen, was licensed to practice nursing in Kansas through 8/31/2007 and let her license lapse. Respondent filed for reinstatement on or about 1/22/2010. The Kansas State Board of Nursing (Board) has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 8250 Clare Road, Lenexa, KS 66227.
3. The Board filed an original petition on May 28, 2010 and an amended petition on February 11, 2011. The Board proceeds on facts and allegations of the amended petition. Respondent and her attorney were sent a copy of the petition and notice of this hearing to respondent's last known address and to her attorney and service is proper. Counsel contacted

the Board on March 28, 2011 and informed the Board that respondent will not appear at prehearing and will not contest the Board's request to deny respondent's request for reinstatement.

3. Petitioner moves for issuance of an proposed default order denying the respondent's license to practice nursing in the state of Kansas. The petitioner's request is granted.

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 amended petition.

5. Per petitioner's request, respondent's application to practice nursing is denied. 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. This Proposed Default Order shall become effective seven 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.

8. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

9. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

**IT IS SO ORDERED.**



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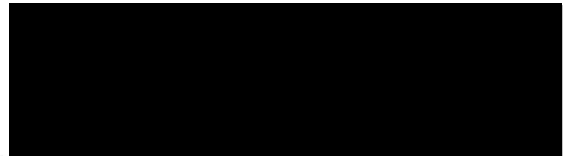
Sandra L. Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

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 30<sup>th</sup> 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.



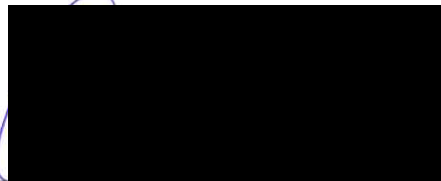
Alma A. Heckler, #11555  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 26<sup>th</sup> day of April, 2011, the foregoing copy of the Proposed Order To Deny License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Jennifer A. Allen  
8250 Clare Road  
Lenexa, KS 66227

Carl Cornwell  
Counsel for Respondent  
201 E Loula, Ste 101  
Olathe, Kansas 66061



Alma A. Heckler  
Assistant Attorney General

**BEFORE THE KANSAS STATE BOARD OF NURSING**  
Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

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KSBN

**IN THE MATTER OF  
JENNIFER A. ALLEN  
License No. 13-080432-081**

**Case No. 02-581-0, 07-097-3 and 10-077-9**

**AMENDED PETITION**

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

1. Respondent, Jennifer A. Allen, was licensed to practice nursing in Kansas through 8/31/2007 and let her license lapse. Respondent filed for reinstatement on or about 1/22/2010. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 8250 Clare Road, Lenexa, KS 66227.
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) Respondent was previously licensed to practice nursing as a registered nurse in the state of Kansas. Respondent's license lapsed on or about 8/31/2007. On or about 1/22/2010,

the Board received Respondent's application for reinstatement of Respondent's license to practice nursing in the state of Kansas.

(b) At the time Respondent's previous license lapsed, Respondent's license was encumbered by an administrative order filed September 13, 2006:

1. The order includes findings Respondent diverted Lortab from a patient while employed as a home health nurse, [REDACTED]

[REDACTED]

2. Pursuant to the September 13, 2006, order, Respondent's license was suspended but the suspension was to be stayed when Respondent had paid

[REDACTED]

(c) [REDACTED]

(d) This was the second time the Respondent was terminated from the KNAP program. The first time the respondent was referred by the Board after allegations of diversion of Lortab by the Respondent while she was employed by a home health agency (Case No. 02-591-0).

[REDACTED]

[REDACTED]. She needed a break from nursing.

(e) The Board opened a new investigation when the Respondent filed for reinstatement in January 2010. Respondent in a letter dated 1/21/2010 states that she is now willing to do anything to get her license reinstated. She does not report any drug treatment since she let her license lapse in 2007. [REDACTED]

Respondent states she has had a change in circumstances [REDACTED]

██████████ Otherwise, the Respondent does not report any rehabilitation or compelling reasons to consider reinstating her license to practice nursing.

(f) The Respondent also failed to report a driver's license suspension due to no liability insurance coverage and a misdemeanor conviction (worthless check).

### VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

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

Count 3: K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d).

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct, ██████████

██████████; K.A.R. 30-3-110 (s)

7. *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991), sets out the following factors to be considered in determining whether a license should be reinstated after a disciplinary finding:

- The present moral fitness of the petitioner;
- The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- The extent of petitioner's rehabilitation;
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.


8. Applicant has failed to provide information, other than her own assertions, to demonstrate the extent of her rehabilitation or her present circumstances and fitness to practice nursing.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act and failed to meet her burden and show why her license should be reinstated, that respondent's license to practice nursing in Kansas be denied, 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:

  
Alma A. Heckler, #11555  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612