

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
SHELLEY M. STOVALL
a.k.a. Shelley M. Latessa
License No. 13-081336-041**

**FILED
JAN - 4 2010
KSBN**

Case No. 06-966-0, 09-759

SUMMARY ORDER

Now this 4th day of January, 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 registered nurse license of Shelley M. Stovall (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 April 30, 2011. Licensee's address of record is 8531 Santa Fe Drive, Overland Park, KS 66212.
2. On or about May 18, 2007, Licensee entered into a Consent Agreement (Consent Agreement), with Board to resolve case number 06-966-0. The executed Consent Agreement and Final Order was filed on May 22, 2007. The Consent Agreement remains in effect until such time as the Licensee completes all conditions and requirements of the Consent Agreement.
3. Licensee has not complied with the conditions and requirements of the Consent Agreement.
4. 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.
5. Conditions of the Consent Agreement included a condition that the Licensee participate in and complete the recommendations and requirements of the [REDACTED]
6. On or about October 30, 2009 [REDACTED] closed Licensee's [REDACTED] case due to noncompliance. [REDACTED]
[REDACTED] By failing to comply with the KNAP program, Licensee has violated the Consent Agreement.
7. Conditions of the Consent Agreement included a condition that the Licensee must submit to random drug screens as directed by the Board or KNAP and that a positive drug screen would be a violation of the agreement.

8. Licensee has not complied with the drug screen requirement.
9. Conditions of the Consent Agreement included a condition that the Licensee shall not violate the Kansas Nurse Practice Act or the laws of the United States, a state, or a political subdivision of any state.
10. Licensee was of obtaining prescription drugs by fraud and sentenced on November 25, 2009, in Johnson County, Kansas, District Court, case number 09CR01976.
11. Conditions of the Consent Agreement included a condition that the Licensee should immediately report any terminations from employment.
12. Licensee was terminated from her employment with Renal Advantage, Inc., Kansas City, Kansas, on or about July 2, 2009.
13. Conditions of the Consent Agreement included a condition that the Licensee should immediately notify the Legal Division of any violation of the agreement.
14. Licensee has not reported closure of the [REDACTED] case, termination, or conviction to the Legal Division or provided information in response to the Board's investigator's inquiries.
15. 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

1. 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 contained in K.S.A. 65-1120(a).
3. The Board has jurisdiction over the Licensee and the subject matter of this action.
4. Licensee's conduct described herein violates the Consent Agreement in case number 06-966-0, dated May 18, 2007.
5. At this time, the Board makes no findings as to violations of law or regulation beyond those that arise out of Licensee's obligations under the Consent Agreement. With respect to the Consent Agreement only, and deferring any findings as to other violations of law or regulation, Licensee's conduct described herein establishes the following violations of the Nurse Practice Act as provided in K.S.A. 65-1120(a):
 - (a) K.S.A. 65-1120(a)(6), unprofessional conduct, as defined by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110(s).

6. K.S.A. 77-511(a)(2)(A) 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 and 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.

7. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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 case number 06-996-0, dated May 18, 2007.

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 unless and until the suspension has again been stayed.

4. Licensee shall return her license card to the Board.

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.

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.


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

CERTIFICATE OF SERVICE

I certify that on the 4th day of January 2010, the foregoing copy of the Summary Order was served by United States Mail, first-class postage prepaid, addressed to the following:

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