

Filed

APR 17 2002

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #551-S
TOPEKA, KANSAS 66612-1230

IN THE MATTER OF THE LICENSE OF
13-082238-031
CATHY BROWN

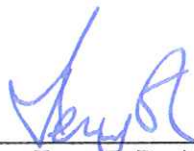
CASE NO. 01-503-5

DEFAULT ORDER
REVOKING LICENSE

NOW ON THIS 9th day of April, 2002, petitioner appears by disciplinary counsel, Alma Heckler, for a pre-hearing conference on the petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent is licensed as an R.N. through 3-31-2003. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order granting the petition.
4. The petition is hereby granted and incorporated into this order as if set forth herein.
5. Respondent violated K.S.A. 65-1120(a)(1), fraud and deceit in practicing nursing and K.S.A. 65-1120 (a)(3), professional incompetence.
6. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas and respondent shall return her license card to the board.
7. 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.
8. Disciplinary counsel shall mail a copy of this order to respondent's last known address.

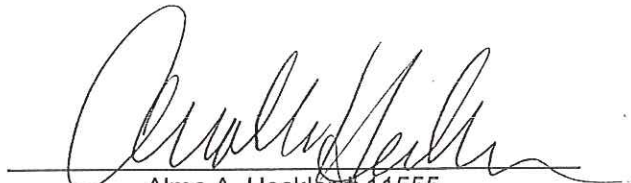


Terry E. Beck
Hearing Officer

12305

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within ten days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.



Alma A. Heckler # 11555
Disciplinary Counsel
900 S.W. Jackson, Suite #551-S
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 17th day of April, 2002, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to respondent at 1430 S Main Street, Wichita, Ks 67213.



Alma A Heckler

FILED

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Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #551-S
Topeka, Kansas 66612-1230

**IN THE MATTER OF
CATHY BROWN
LICENSE NO. 13-082238-031**

Case No. 01-503-5

PETITION

Comes now the petitioner, the Board of Nursing, by and through disciplinary counsel, Alma A. Heckler, and for its cause of action states and alleges that:

1. Respondent is licensed as a nurse in Kansas through August 31, 2003.
2. Respondent's address of record is 1430 S. Main Street, Wichita, Kansas 67213.
3. After an investigation, the board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act and referred this matter for further proceedings.
4. The board may deny, limit, suspend, or revoke a nursing license or may issue a public or private censure if a violation of K.S.A. 65-1120 is established.

FACTS COMMON TO ALL COUNTS

On or about July, 2000, licensee reported to Ellen Reed, her supervisor, that she had been diagnosed with a malignant and terminal brain tumor. She reported that she would be undergoing some months of chemotherapy. In November 2000, licensee applied for the Family Medical Leave Act (FMLA). Her leave expired in February, 2001. She was absent from work on March 30, April 2 and April 3 and did not call in. A doctor's note was requested. A note was supplied on April 6, with an illegible signature and no letter head. She was told she needed to provide an excuse with a physician's name on it. She supplied a doctor's letter from a doctor's office. The doctor's office was contacted and no patient by the name of licensee was being treated there for brain tumors. The office was actually a gynecology clinic. Licensee was contacted and given until April 20, 2001 to provide a doctor's letter and verification of her medical condition. The items requested were not received and licensee was terminated.

Licensee was required to administer Tuberculosis (TB) tests to staff and clients. Licensee tested staff on March 20, 2001. Tests were never documented. She verbally informed a staff member that her test was positive. Staff member was retested by her physician and she was told that the test was negative.

Another staff member was told that her test was negative, but she also checked with her doctor and the test was positive for TB.

COUNT I: Respondent violated K.S.A. 65-1120(a)(1) fraud and deceit in practicing nursing.

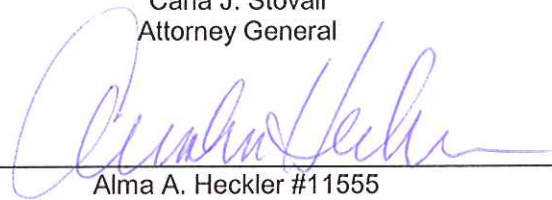
COUNT II: Respondent violated K.S.A. 65-1120(a)(3), professional incompetency, failure to adhere to the applicable standard of care amounting to gross negligence or ordinary negligence and a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing..

WHEREFORE, petitioner requests a finding that respondent violated the nurse practice act, for sanctions against respondent's license, and for the \$70 costs of this action to be assessed to respondent.

Respectfully submitted,

Carla J. Stovall
Attorney General

By: _____



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