

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
ROBIN L. WALLACE
License No. 13-83342-121**

Case No. 11-036-5

FILED
#171
APR 27 2012 *peb*

KSBN

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PROPOSED DEFAULT ORDER TO DENY REINSTATEMENT APPLICATION

NOW ON THIS 24th day of April, 2012, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, Assistant Attorney General, for a Hearing on the Amended Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

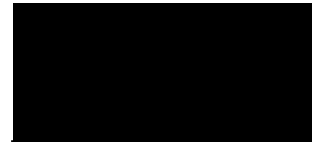
1. Respondent filed a reinstatement application to practice nursing in Kansas on November 4, 2010. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the amended and corrected petition on February 29, 2012 and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order denying respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
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 petition.
5. Per Petitioner's request, Respondent's reinstatement 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 days 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.



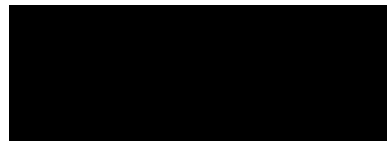
Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

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 30th 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 27th day of April, 2012, the foregoing copy of the PROPOSED DEFAULT ORDER TO DENY REINSTATEMENT APPLICATION was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Robin Wallace
10906 W. Haskell Circle
Wichita, Kansas 67209-3245



Alma A. Heckler, #11555
Assistant Attorney General

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IN THE MATTER OF
ROBIN L. WALLACE
License No. 13-83342-121

Case No. 11-036-5

AMENDED PETITION

COMES NOW the Petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Danielle R. Sanger, and for its cause of action states that:

1. Respondent, Robin Wallace, is not licensed to practice nursing in Kansas. The Respondent filed a reinstatement application on or about November 18, 2010. Board has jurisdiction over the Respondent and the subject matter of this action.
1. Respondent's address of record is 10906 W Haskell Cr., Wichita KS 67209-3245.
2. 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.
3. 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

4. The facts below are common to all counts:

- a. On or about 11/18/2010, the Board received a reinstatement application from Respondent. The Board reviewed Respondent's application on 2/16/2011, and it was the decision of the Board to refer Respondent to the Kansas Nurses Assistance Program (KNAP) for a chemical dependency evaluation and mental health evaluation based on the following:
 - i. In Respondent's response to question 10, "Have you ever been convicted of a misdemeanor," Respondent answered, "Yes, disorderly conduct, resisting arrest, open container 2007 convicted 2010."
 - ii. In Respondent's response to question 13, "Is an investigation and/or disciplinary action pending against any license, certification or registration (nursing or other)," Respondent answered, "Yes Restriction Interlock on vehicle one year."
 - iii. In Respondent's response to question 14, "Has any license, certification, or registration (nursing or other) ever been denied, revoked, suspended, limited or disciplinary action taken by a licensing authority of any state, agency of the US government, territory of the US or country?," Respondent answered, "Yes RN license pending this information -- #05-1098-5."
- b. On or about 2/17/2011, Respondent was referred by the Board to the KNAP.
- c. On or about 4/1/2011, Respondent entered into a one year contract with the KNAP.
- d. On or 5/27/2011, Respondent's KNAP case was closed due to non-compliance with the program.

VIOLATIONS

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

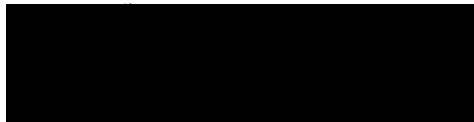
- a. Count 1: K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the board, by KAR 6-3-110(s), failing to complete the requirements of the impaired provider program of the board.

WHEREFORE, Petitioner requests a finding that the Respondent has violated the Nurse Practice Act, that Respondent's reinstatement application and her 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, #11655
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
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