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**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF**

**KRISTAN L. LAMPE**

**License No. 13-086782-061**

**Case No. 04-584-5, 09-280-4**

**SUMMARY ORDER**

Now this 9th day of March, 2011, 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 licensed practical nurse license of Kristan L. Lampe, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. (a) Licensee is licensed to practice nursing in the state of Kansas as a registered nurse through 6/30/2011. The Board has jurisdiction over the Licensee and the subject matter of this action.
- (b) Licensee's address of record is 122 W. 5th, Valley Center, KS 67147.
- (c) On or about 10/15/2009, Licensee entered a Consent Agreement and Final Order (Consent Agreement), with Board to resolve case numbers 04-584-5 and 09-280-4. The effective date of the Consent Agreement was 10/15/2009. The Consent Agreement remains in effect until such time as the Licensee completes all conditions and requirements of the Consent Agreement. Licensee has not completed all the conditions and requirements of the Consent Agreement.
- (d) Pursuant to the 10/15/2009 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.
- (e) Conditions of the 10/15/2009 Consent Agreement included a condition that the Licensee participate in and complete the recommendations and requirements of the [REDACTED]
- (f) On or about 1/19/2010, [REDACTED] closed Licensee's [REDACTED] case due to noncompliance. KNAP reported that Licensee failed to submit to urine drugs screens as directed; [REDACTED]
- (g) By failing to comply with the [REDACTED] program, Licensee violated the 10/15/2009 Consent Agreement and her license to practice nursing was suspended for six (6) months by Summary Order dated January 25, 2010. Licensee did not appeal the summary order and it

became final on February 12, 2010. The suspension was not lifted until Licensee re-entered [REDACTED] on 1/7/2011.

(h) 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.

(i) Licensee is once again not compliant with [REDACTED] and her [REDACTED] case was closed on March 1, 2011. Licensee failed to [REDACTED] and has not enrolled in the Affinity program so that she can complete random urine drug screens. [REDACTED] is unable to insure that she is safe to practice, due to her lack of cooperation with the program.

(j) Once again, pursuant to the 10/15/2009 Consent Agreement, Licensee's license to practice nursing in Kansas was suspended. The suspension is stayed so long as Licensee continued to meet the conditions and requirements of the Consent Agreement.

(k) Conditions of the Consent Agreement included a condition that the Licensee participate in and complete the recommendations and requirements of the [REDACTED]

(l) Pursuant to the 10/15/2009 Consent Agreement, Licensee acknowledged and agreed that upon a **second or subsequent** finding of Licensee not complying with any of the conditions or requirements of this Consent Agreement the Stay of Suspension of Licensee's license to practice nursing in the State of Kansas, shall be lifted for a period of **one year** from the date of said finding. Licensee will not be allowed to practice nursing in the state of Kansas during the period of suspension. Licensee further acknowledged and agreed that all conditions and requirements of this Consent Agreement remain in effect during the period of suspension.

(m) Furthermore, 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. Licensee's license should be lifted for a period of one year due to a second finding that Licensee is not complying with the conditions and requirements of the Consent Agreement and K NAP.

#### CONCLUSIONS OF LAW

2. Pursuant to K.S.A. 65-1120(a), 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, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(a) K.S.A. 65-1120(a)(6), unprofessional conduct 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).

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.

4. Licensee's conduct described herein violates the Consent Agreement in case numbers 04-584-5 and 09-280-4, dated 10/15/2009.

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 if the use of summary proceedings does not violate any provision of law, 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, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

6. 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 numbers 04-584-5 and 09-280-4, dated 10/15/2009.**

**2. Licensee's license to practice nursing in the state of Kansas is suspended for a period of twelve (12) 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 until the suspension has again been stayed.**

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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.

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.

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

CERTIFICATE OF SERVICE

I certify that on the 9th day of March, 2011, 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:

Kristan L. Lampe  
122 W. 5th  
Valley Center, KS 67147



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Alma A. Heckler, #11555  
Assistant Attorney General