

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING

JUL 29 2008

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

KSNB

**IN THE MATTER OF
HEATHER S. HEARN
License No. 13-087003-092**

Case No. 02-576-4, 06-980-4

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 29th day of July, 2008, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 9/30/2008. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
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 revoking respondent's license. The petitioner's request is granted by default.
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 license to practice nursing is revoked. 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. Respondent shall immediately forward his or her original Kansas registered nurse license to the Kansas State Board of Nursing.
8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.

Sandra L. Sharon, Presiding Officer

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 seven 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. The written motion is to be filed at:

State Board of Nursing - Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230

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 20th day of July, 2008, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Heather S. Hearn
100270 SE 40th AVE
Sawyer, KS 67134

Alma A. Heckler
Assistant Attorney General

BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF

Case No. 02 576 4
06 980 4Heather S. Hearn
License No. 13 087003 092

OAH No. 08BN0140

Now on this 29th day of August 2008, the above-captioned matter comes on for consideration on the Respondent's request that the Proposed Default Order issued in the above-captioned matter be vacated. The Kansas State Board of Nursing, appears through its disciplinary counsel, Alma A. Heckler

1. On May 15, 2008, a Petition and Notice of Prehearing Conference were filed in the above-captioned case. Respondent copies of the Petition and Notice of Prehearing Conference were mailed to the Respondent. Pursuant to the notice of Prehearing Conference, a Prehearing was scheduled for July 29, 2008, at 9:00 a.m. The respondent did not appear.
2. On August 5, 2008, the Respondent filed a request to vacate the default order and for continuance of the July 29, 2008 Prehearing Conference.
3. Petitioner objects to the continuance for the following reasons:
 - a. Respondent fails to state a reason for the request to vacate the default order and for the continuance of the July 29, 2008, Prehearing. She did not file such request until August 5, 2008.
 - b. Respondent provides the address of 100270 SE 40th Ave., Sawyer, Kansas 67134 on her notice. Such address is the same address to which all prior communication from the Board investigator and petition and notice of hearing have been posted. The Respondent's request to vacate and continue the matter is the first response received from the Respondent.
4. The Presiding Officer finds the Respondent failed to establish good cause for her failure to participate in the Prehearing scheduled for July 29, 2008.
5. If the Proposed Default Order becomes effective, the respondent has a right to judicial review pursuant to K.S.A. 77-601 et seq. Pursuant to K.S.A. 77-527(j), the Secretary of the Kansas State Board of Nursing, Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230 is designated as the individual to receive service of a petition for judicial review.

The Presiding Officer, being well and duly advised in the premises, hereby denies the Respondent's request that the Proposed Default Order be vacated.

OFFICE OF ADMINISTRATIVE HEARINGS


Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On Aug 29, 2008, I mailed a copy of this document to:

Heather S. Hearn
100270 SE 40th Ave.
Sawyer, KS 67134

Alma A. Heckler
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612

Staff Person
Office of Administrative Hearings