

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILE

AUG 06 2013

IN THE MATTER OF SHERYL LYNN GARCIA

KSBN

License No 13-87672-012

Case No. 10-726-7

PETITION

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

1. Respondent, Sheryl Lynn Garcia, is Licensed to practice nursing in Kansas. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 10001 W. 116th Terrace Apt 2 Overland Park, Kansas 66210.
3. 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.
4. 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

5. The facts below are common to all counts:
 - (a) According to the report, it is alleged that while you were employed at Doctors Hospital Leawood, , licensee failed to take appropriate action.
 - (b) Licensee failed to place allergy band or sticker on patient.

- (c) This incident occurred on or about the 5th day of November, 2009.
- (d) On the 5th day of July, 2012, this licensee resigned her position on the 12th day of March, 2010.
- (e) Licensee was offered re-education in the form of 6 Contact Hour CNE's on Patient Safety.
- (f) Licensee agreed to do the CNE but failed to complete them.

VIOLATIONS

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

Count 1: KAR 60-3-110 (c) Unprofessional conduct i.e. "failing to take appropriate action or follow policies and procedures in the practice situation designed to safeguard each patient."

Count 2: K.S.A. 65-1120 (a)(6) to be guilty of unprofessional conduct by failing to furnish the board, its investigators, or its representatives with any information legally requested by the board KAR 60-3-110 (t).

Count 3: K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, 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: 

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