

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

OCT 06 2015

IN THE MATTER OF SHERYL LYNN GARCIA

KSBN

License No 13-87672-012

FILED OAK

Case No. 10-726-7 and 14-389-0

2 OCT '15 AM 9:18

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 2nd day of October 2015, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Michael R. Fitzgibbons, Assistant Attorney General, 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. 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 petition 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 revoking 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 request to license to practice nursing is denied. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$100 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 nursing license to the Kansas State Board of Nursing.

8. 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.

9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

10. 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.

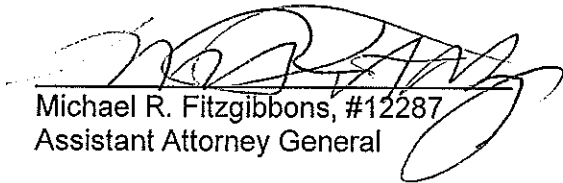


Michael R. Fitzgibbons, #12287
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 6th day of October, 2015, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Sheryl Lynn Garcia
3029 N 153rd Terrace
Basehor, Kansas 66007


Michael R. Fitzgibbons, #12287
Assistant Attorney General

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

IN THE MATTER OF
SHERYL L. GARCIA
License No. 13-87672-012

Case No. 10-726-7 & 14-389-0

FILED

MAY 19 2015

KSBN

MOTION TO SHOW CAUSE

COMES NOW the Petitioner, the Kansas State Board of Nursing, by and through the Assistant Attorney General assigned to the Board, Michael Fitzgibbons, and moves the Board for a review of Respondents discipline file in Case No. 10-726-7 & 14-389-0. Respondent's address of record is 3029 N. 153rd Terrace, Basehor, KS 66007. Respondent entered a Diversion agreement with the Board on or about May 9, 2014 and has failed to meet the terms and requirements of the agreement as follows:

- To enroll in the Kansas Nurse Assistance Program (KNAP) in 30 days.
- Respondent has been non-compliant with KNAP.
- KNAP case has been closed by KNAP unsuccessfully.
- Respondent committed other violations of the Kansas Nurse Practice Act.
- To inform employers of Final Order and Consent Agreement or Initial Agreed Order.
- To inform employers of KNAP participation.
- To provide performance quarterly reports to the Board, completed by the employer.
- To timely report change of employment and address information.
- Timely complete CNE required by the Order and to submit documentation of completion.
- To timely report any new misdemeanor or felony convictions to the Board.
- To practice within the limitations as set out in the Final Order and Consent

Agreement or Initial Agreed Order dated _____.

Other; Failure to pay the Unlicensed Practice fine, even after a 30 day extension.

By failing to comply with the terms of the Diversion Agreement, dated May 9, 2014 the Board requests a finding that the Respondent has committed the following violations of the Kansas Nurse Practice Act:

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)].

K.S.A. 65-1120(a)(6), failing to comply with any disciplinary order of the board [K.A.R. 30-3-110 (r)].

Respondent should show cause as to why the stay in this matter should not be lifted for six months

Respondent should show cause as to why the stay in this matter should not be lifted for one year

Respondent should show cause as to why the Respondent's license should not be revoked or other action should not be taken. Respondent demonstrates that she has no intention of complying with the Diversion Agreement.

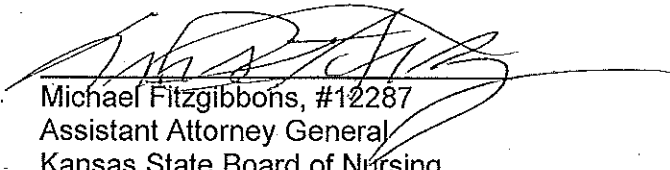
Petitioner requests that costs of this action be assessed to the respondent in at least the amount of \$100.00.

NOTICE REGARDING FAILURE TO ATTEND OR PARTICIPATE

If Respondent fails to appear at said hearing and defend, the Board may request to proceed to have the presiding officer hear the evidence against the Respondent and enter such order as authorized by law and justified by the evidence. If Respondent fails to attend or participate in the hearing, Respondent may be held in default under K.S.A. 77-520 and a proposed default order may be issued by the administrative law judge/presiding officer.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General



Michael Fitzgibbons, #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

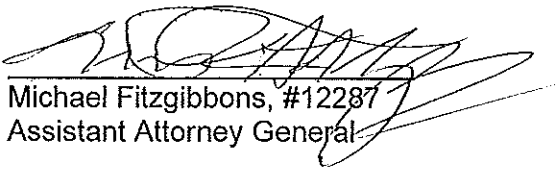
CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion was served by depositing same in the United States Mail, first class postage prepaid, on this 19th day of May, 2015 to:

Sheryl Garcia
3029 N 153rd Terrace
Basehor, KS 66007

On the 19th day of May, 2015, a copy of the foregoing Motion was served by depositing same in building mail to:

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



Michael Fitzgibbons, #12287
Assistant Attorney General