

FILED

SEP 18 2009

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF

NEVA M. MWANGI-MAINA

License No. 13-88641-062

Case No. 07-1005-5

SUMMARY ORDER

Now this 17th day of September, 2009, 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 ~~licensee~~ ^{RN} ~~practical nurse~~ license of Neva M. Mwangi-Maina, (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 06/30/2010. The Board has jurisdiction over the Licensee and the subject matter of this action. Review of information gathered by the Board revealed the following information upon which this action is based.

(b) Licensee's address of record is 71713 N. Glendale, Wichita, KS 67208.

(c) On or about 5/20/2009, Licensee entered a Consent Agreement and Final Order (Consent Agreement), with Board to resolve case number 07-1005-5. The effective date of the Consent Agreement was 5/20/2009. 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 5/20/2009 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 Consent Agreement included a condition that the Licensee participate in and complete the recommendations and requirements of the [REDACTED] [REDACTED] is the impaired Provider Program of the Board. Conditions of the Consent Agreement included a condition that the Licensee enroll in the [REDACTED] program within 30 days of entering the Consent Agreement.

(f) On or about 8/21/2009, [REDACTED] closed Licensee's [REDACTED] case due to noncompliance. [REDACTED] reported that Licensee failed to return a signed [REDACTED] agreement to the [REDACTED] program. By failing to comply with the [REDACTED] program, Licensee has violated the 3/21/2007 Consent Agreement.

(g) 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.

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 number 05-111-6, dated 5/20/2009.

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 and 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.

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 number 05-111-6, dated 5/20/2009.

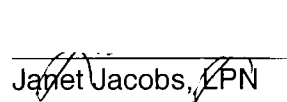
2. Licensee's license to practice nursing in the state of Kansas is suspended for a period of six (6) months beginning on the effective date of this summary order, and the Suspension will not again be Stayed until the Licensee has, following the prescribed time period of suspension, provided written 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.

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

LPN

CERTIFICATE OF SERVICE

I certify that on the 21st day of September, 2009, 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:

Neva M. Mwangi-Maina
71713 N. Glendale
Wichita, KS 67208

~~Mark A. Knight, #12183~~
Assistant Attorney General

AKS