

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

IN THE MATTER OF  
KELLY ZENTZ  
License No. 13-93953-091

FILED

APR 01 2014

KSBN

Case No. 10-690-3

**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, Alma A. Heckler, and moves the Board for a review of Respondents discipline file in Case No. 10-609-3. Respondent's address of record is 2071 Quincy, Salina, Kansas 67401. Respondent entered an Initial Agreed Order (Agreement) with the Board on or about June 3, 2013 and admitted the Board had the evidence to prove the following:

(a) Respondent was convicted of six (6) counts of obtaining a prescription only drug by fraudulent means, violation a class A nonperson misdemeanor, in violation of K.S.A. 21-26a08(a)(1) on or about 7/2/2010. Charges arose out of misconduct while she was employed by Salina Regional Medical Center.

(b) Respondent was referred to the Kansas Nurse Assistance Program (KNAP) the Board's peer assistance impaired provider program, by the board. Respondent enrolled in KNAP in March of 2009.

(c) Respondent was noncompliant with KNAP on or about December 12, 2011, when she tested positive for Morphine. Her contract with KNAP was extended to December 12, 2014.

(d) Respondent failed to submit timely 12 step meeting reports in January, 2012, attend monthly meetings in February 2012, and on July 31, 2012 respondent's KNAP case was closed due to a third noncompliance. Respondent failed to check in and submit to a random urinary drug screen (UDS) on July 30, 2012.

(e) Respondent has a history of diversion of drugs and it is dangerous for her to continue to practice nursing without monitoring.

**VIOLATIONS**

The above incidents are violations of the nurse practice act. The Respondent agrees that the board is prepared to prove that respondent has violated:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

Count 2: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

Count 3: K.S.A. 65 - 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d).

Count 4: 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. 60-3-110(s).

Respondent 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 June 3, 2013.
- ☐ Other \_\_\_\_\_.

By failing to comply with the terms of the Initial Agreed Order, dated June 3, 2013, the Respondent has violated the Kansas Nurse Practice Act and the Board requests a finding that the Respondent has committed the following additional 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 (first finding of violation of the Final Order and Consent Agreement or Initial Agreed Order).

\_\_\_\_ Respondent should show cause as to why the stay in this matter should not be lifted for one year (second finding of a violation of the Final Order and Consent Agreement or Initial Agreed Order).

  X   Respondent should show cause as to why the Respondent's license should not be revoked or other action should not be taken.

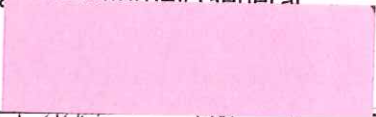
Petitioner requests that costs of this action be assessed to the respondent in at least the amount of \$70.00.

**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

  
Alma A. Heckler, #11555  
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 28 day of March, 2014 to:

Kelly Zentz  
2071 Quincy  
Salina, Kansas 67401

On the 28 day of March, 2014, 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



Alma A. Heckler, #13555  
Assistant Attorney General

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Topeka, Kansas 66612-1230

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License No. 13-93953-091

**Case No. 10-690-3**

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**PROPOSED DEFAULT ORDER TO REVOKE LICENSE**

NOW ON THIS 24th day of April, 2014, Movant, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, Assistant Attorney General, for a Hearing on the Motion to Show Cause. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing as an RN in Kansas through 9/20/2015 and was licensed to practice nursing at the time of the misconduct alleged in the Motion to Show Cause. 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 Motion to Show Cause and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Movant moves for issuance of a proposed default order revoking respondent's RN license. The movant's request is granted by default pursuant to K.S.A. 77-520.
4. The Motion to Show Cause 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 Movant'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 nursing certificate and any license cards in his or her possession 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 on the Motion to Show Cause 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.**



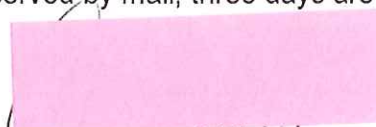
Sandra Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

**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 30<sup>th</sup> 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.




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 29<sup>th</sup> day of April, 2014, 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:

Kelly Zentz  
2071 Quincy  
Salina, Kansas 67401



Alma A. Heckler, #11555  
Assistant Attorney General