

16BNC0049

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

29 FEB 2016 4:21:02

IN THE MATTER OF
Deitra Lynn Ross

FILED
FILED

License No. 13-96876-021
Case No. 15-169-0

MAR 03 2016

KSBN

NOTICE OF PROPOSED DEFAULT ORDER
AND
PROPOSED DEFAULT ORDER

This matter comes on for consideration by the presiding Administrative Law Judge (ALJ) to enter a Proposed Default Order against respondent, Deitra Lynn Ross.

Wherefore, the presiding ALJ finds as follows:

1. The respondent is licensed to practice nursing in Kansas.
2. The Petitioner, the Kansas State Board of Nursing Board (Board), has jurisdiction over the respondent and the subject matter of this action.
3. On or about September 18, 2015, a Petition was filed by the Board seeking revocation of the respondent's nursing license. It was sent to respondent at his or her last known address and was not returned as undeliverable.
4. On 9-22-2015, a Notice of Prehearing Conference was sent to the respondent. The conference was scheduled for 2-23-2016 at 9:00 a.m. The notice was not returned as undeliverable.
5. On 2-23-2016, a prehearing conference was convened. The Board appeared by disciplinary counsel, Bryce Benedict. The respondent did not appear in person or by phone.

The presiding ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the respondent. It shall take effect as specified in the above findings.

Disciplinary counsel shall mail a copy of this Notice of Proposed Default Order and Proposed Default Order to the respondent at his or her last known address of record.

IT IS SO ORDERED.



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

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-520, if the proposed default order becomes effective, it is deemed an initial order, as set forth above. Pursuant to K.S.A. 77-527, either party may request review of the initial order by filing a petition for review with the Kansas State Board of Nursing within 15 days from date the order is deemed an initial order. Failure to timely request review may preclude further judicial review. Petitions for review shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka, KS 66612-1230.

If neither party requests review, the initial order becomes a final order and is binding on the 30th day following its mailing.

A party may seek judicial review of a final order by filing a petition for judicial review pursuant to K.S.A. 77-601, *et seq.* Reconsideration of a final order is not a

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SEP 18 2015

IN THE MATTER OF DEITRA LYNN ROSS

KSBN

License No 13-96876-021

Case No. 15-169-0

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, Deitra Lynn Ross, is licensed to practice nursing in Kansas through February 2017. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 8804 E. 111th Street Kansas City MO 64134-3464.
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) It is alleged that licensee failed to report a misdemeanor conviction on the renewal application.
 - (b) These incidents allegedly occurred on or about February 13th, 2015.

(c) Respondent was contacted by KSBN investigator and failed to respond.

(d) Licensee was notified in her original application for licensure that she would need to report the misdemeanors in future renewals on on the 19th day of May 2005.

VIOLATIONS

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

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

Count 3: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct as defined as defined by rules and regulations of the board KAR 60-3-110 (t) failing to furnish the board, its investigators, or its representative with any information legally requested by the board.

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 \$100.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:



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