

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

FILED

OCT 9 0 2015

IN THE MATTER OF
Holly Dee Sullivan, a/k/a Holly Haver

KSBN

License No. 13-99889-122
Case No. 14-234-5

SUMMARY ORDER TO SUSPEND

Now this 20th day of October, 2015, 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 nurse license of Holly Sullivan, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

1. a. Licensee is licensed to practice nursing in the state of Kansas through December 31, 2016. The Board has jurisdiction over the Licensee and the subject matter of this action.
b. Licensee's address of record is 1406 N. Argonia Road, Milton, KS 67106.
2. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
3. 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. Pursuant to K.S.A. 74-1110 the Kansas State Board of Nursing may also assess a civil fine not to exceed \$1,000.00 for the first violation of a law or rule and regulation applicable to the practice for which such person has been granted a license.
4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Applicant violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.

FINDINGS OF FACT

5. (a) The Licensee, then known as Holly Denning, was convicted in the District Court of Pratt County, Kansas, on or about August 2, 2006, in case no. 2006 CR 156, of giving a worthless check, a Class A misdemeanor.
(b) The Licensee, in her RN application in December 2006, denied that she had been convicted of any misdemeanor listed in K.S.A. 60-3-113.
(c) The Licensee, in renewing her license in 2008, 2010, and 2012, denied that she had been convicted of any misdemeanor listed in K.S.A. 60-3-113.

(d) The Licensee did not advise the Kansas Board of Nursing of her worthless check misdemeanor conviction until she renewed her license on or about December 30, 2014.

(e) The Kansas Board of Nursing opened an disciplinary investigation regarding the Licensee's conduct, and in a phone conversation on January 5, 2014 the Kansas Board of Nursing investigator instructed the Licensee to provide documentation of her criminal conviction, as well as a letter of explanation regarding the failure to advise the Board of the criminal conviction.

(f) The Licensee never provided the court documents or any letter of explanation.

(g) Mail from Board investigators to the Licensee, addressed to Licensee's address of record, has twice, in January 2015 and June 2015, been returned as "unable to forward" and "Attempted not known."

VIOLATIONS

6. The above fact findings establish evidence that the Licensee violated the following provisions of the Kansas Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(1), by concealing her criminal conviction in her 2006 RN application, to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

Count 2: K.S.A. 65-1120(a)(1), by concealing her criminal conviction in her renewal applications, to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

Count 3: K.S.A. 65-1120(a)(7) and K.A.R. 60-3-113, by failing to report on her renewal applications her criminal conviction, to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

Count 4: K.S.A. 65-1120(a)(7) and K.S.A. 65-117(c)(1)(A), by failing to advise the Board of a change of address, to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

Count 5: K.S.A. 65-1120(a)(7) and K.S.A. 65-117(c)(1)(B), by failing to advise the Board of a criminal conviction, to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122, and amendments thereto;

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

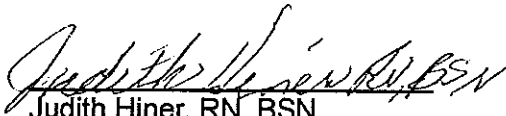
7. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of

summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, 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, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

- 1. Licensee's license is suspended.**
- 2. Licensee shall not practice nursing in the state of Kansas.**
- 3. Licensee shall pay a civil fine of \$250.00 to the Board within thirty (30) days of the effective day of this Order.**

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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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.


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

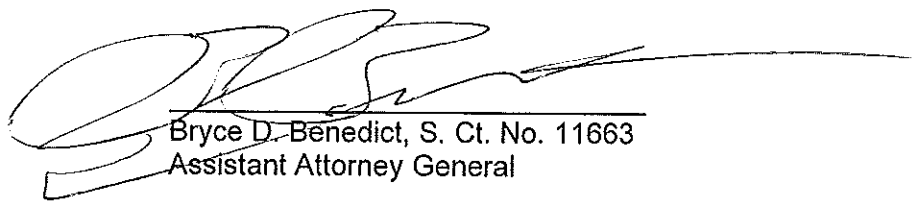
CERTIFICATE OF SERVICE

I certify that on the 20th day of October, 2015, 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:

Holly Sullivan
1406 N. Argonia Road
Milton, KS 67106.

Holly Sullivan
PO Box 65
Norwich KS 67118

Tracie England
HITE, FANNING & HONEYMAN
100 N. Broadway, Suite 950
Wichita KS 67202



Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General