

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

NOV 16 2015

**IN THE MATTER OF
Elisa Hernandez-Lusk**

KSBN

**License Nos. 14-107206-101 & 53-76607-101
Case No. 15-1345-7**

**SUMMARY ORDER
PUBLIC CENSURE**

Now on this 18th day of November, 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 Elisa Hernandez-Lusk, (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 October 31, 2017. The Board has jurisdiction over the Licensee and the subject matter of this action.
b. Licensee's address of record is 7517 West 154 Terrace, Overland Park KS 66223.
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 made an online license renewal application on August 21, 2015 in which she represented she had never been convicted of a misdemeanor listed in K.A.R. 60-3-113.
(b) The Licensee had a prior misdemeanor conviction for a misdemeanor listed in K.A.R. 60-3-113.

(c) The Licensee also failed to report her prior conviction on her APRN application.

VIOLATIONS

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

K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

6. 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 is punished by public [§] ~~ce~~ ₁ ~~n~~ ^{re} ~~u~~ ₁ ~~r~~ ^e, and by imposition of a \$100.00 fine.
2. Licensee shall pay \$100.00 costs of this action, and the \$100.00 fine, 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.

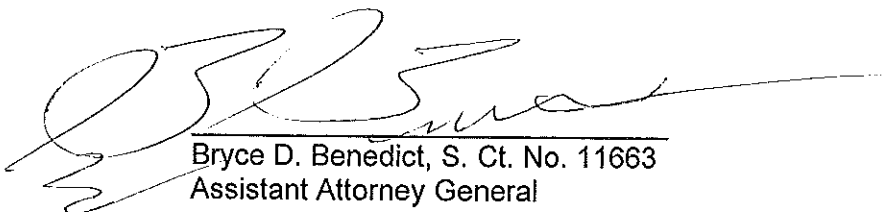


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 18th day of November, 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:

Elisa Hernandez-Lusk
7517 West 154 Terrace
Overland Park KS 66223



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