

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED
JUL 13 2011
KSBN

**IN THE MATTER OF
HEATHER FERNANDEZ
License No. 14-110963-052**

Case No. 10-1385-1

SUMMARY ORDER

Now this 13th day of July, 2011, 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 registered nurse license of Heather Fernandez, (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 5/31/2012. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Licensee's address of record is 504 1st Ave. Apt. 221, Dodge City, Kansas 67801.

(c) On or about 12/17/09, Licensee was referred to the Kansas Nurse Assistance Program (KNAP) by the Kansas Board of Nursing (KBON) [REDACTED]

(d) [REDACTED] Licensee had a positive urinary drug screen for marijuana on 11/1/2010.

(e) Licensee [REDACTED] did not return a new three-year contract prepared by KNAP because of the Licensee's relapse.

(f) Licensee was notified by KNAP on January 10, 2011 her case was closed for non-compliance and KNAP has not had any contact with Licensee since then.

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 her contract with KNAP, dated 3/10/2010.
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, 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.
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. Licensee's license to practice nursing in the state of Kansas is revoked.**
- 3. Licensee shall not practice nursing in the state of Kansas.**

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.


Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 13th day of July, 2011, 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:

Heather Fernandez
504 1st Ave. Apt. 221
Dodge City, Kansas 67801.



Alma A. Heckler, #11555
Assistant Attorney General