

# Kansas State Board of Nursing

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Patsy L. Johnson, R.N., M.N.  
Executive Administrator  
913-296-5752

October 15, 1996

Mr. John Donegan  
6620 W. 335th Street  
Louisburg, Kansas 66053

## SUMMARY ORDER

Dear Mr. Donegan:

Your June 1993 renewal application materials were reviewed. On behalf of the Board your 1993 renewal application to practice as a Registered Professional Nurse in Kansas is hereby denied. This denial is based upon the following:

### I. FINDINGS OF FACTS

1. Your application for renewal was received in June, 1993.
2. At the time your renewal application was received, you were under a settlement agreement with the Board pursuant to this disciplinary action.
3. The agreement required you to have your employer provide quarterly reports regarding your practice. While the reports were not timely as required, all reports were received.
4. The agreement required you to obtain 15 hours of continuing nursing education in addition to the 30 required for renewal of your RN license. Of those 15 additional hours, 6 were to be in the area of the law and the practice of nursing; and one course was to be in the area of ethics. The specified hours were to be pre-approved in writing.

Janette Pucci, R.N., M.S.N.  
Education Specialist  
296-3782

Patricia McKillip, R.N., Ph.D.  
Education Specialist  
296-3782

Diane Glynn, R.N., J.D.  
Practice Specialist  
296-4325

Mark S. Braun, J.D.  
Assistant Attorney General  
Disciplinary Counsel  
296-4325

5. You submitted only 35 of the 45 hours required pursuant to the settlement agreement. Of those five additional hours, only one hour met the law and the practice of nursing requirement.

6. The settlement agreement required another additional 10 hours of continuing education for renewal of your authorization to practice as a registered nurse anesthetist.

7. You did not seek, nor pay for, renewal of your authorization to practice as a RNA.

8. The Settlement Agreement included stipulations to Counts I, II, and III of the Petition, which alleged: fraud and deceit in the practice of nursing; performance of acts beyond the level of the scope of nursing for which you were licensed; and assuming duties in the practice of nursing or when competency has not been maintained. Those counts related to your practice as an RNA in the State of Kansas without a license, and your submission of false continuing education upon your application for a license.

## II. CONCLUSIONS OF LAW

1. K.S.A. 65-1115(b)(2) provides that "the (Kansas) Board (of Nursing) may issue a license to practice nursing as a registered professional nurse without examination to an applicant who has been duly licensed or registered as a registered professional nurse by examination under the laws of another state, territory or foreign country if, in the opinion of the Board, the applicant meets the qualifications required of a licensed professional nurse in this state."

2. However, K.S.A. 65-1120(a) gives the board the authority to deny a license to practice nursing as a registered professional nurse if the applicant is found: . . .

"(1) to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

"(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board;,"

...

**"K.A.R. 60-3-110. Standards of revocation, suspension, limitation, or denial of nursing licensure. "Unprofessional Conduct" shall include:**

**(a) performing acts beyond the authorized scope of the level of nursing for which the individual is licensed;**

**(b) assuming duties and responsibilities within the practice of nursing without adequate preparation or when competency has not been maintained:"**

**3. John Donegan was found to have committed the above violations as found in the Settlement Agreement entered into between Mr. Donegan and the Board.**

**4. John Donegan did not comply with the terms of the Settlement Agreement.**

**5. K.S.A. 65-1120(b) authorizes the board to deny a license in accordance with the provision of the Kansas Administrative Procedures Act.**

**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 when denying an application.**

**7. Nothing in this Summary Order; the Kansas Nurse Practice Act or the Kansas Administrative Procedures Act bars John Donegan from seeking reinstatement of his license in the future. Any such application will be handled on its merits at the time of application.**

### **III. ORDER**

**Based on the above and foregoing Findings of Fact and Conclusions of Law, the renewal application for a license to practice nursing as a registered professional nurse in the State of Kansas is hereby denied.**


**NOTICE REGARDING RELIEF FROM THIS ORDER**

If the information provided by you or the State Board of Nursing is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

Pursuant to K.S.A. 1991 Supp 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:

**Patsy L. Johnson**  
Executive Administrator  
Kansas State Board of Nursing  
900 SW Jackson, Suite 551-S  
Topeka, Kansas 66612-1230  
(913) 296-8401


**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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

  
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**Patsy L. Johnson**  
Executive Administrator

**CERTIFICATE OF SERVICE**

I certify that on the 15th day of October, 1996, the foregoing Summary Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to:

**John Donegan**  
6620 W. 335th Street  
Louisburg, Kansas 66053

  
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**Patsy Johnson, M.N., R.N.**  
Executive Administrator