

BEFORE THE KANSAS STATE BOARD OF NURSING
LANDON STATE OFFICE BUILDING
900 S.W. JACKSON, ROOM 551-S
TOPEKA, KANSAS 66612-1230



IN THE MATTER OF:)
)
DEBORAH BAUMAN) CASE NO. 91-058-5^A
)
LICENSE NO. 14-057972-052)

INITIAL ORDER

Now on this 31st day of March, 1995, the above-captioned matter comes on for a hearing before Terry E. Beck, the Board's designated Hearing Officer, on the Petitioner's Motion to Lift Stay, filed with the Board. The Petitioner/movant appears by and through Assistant Attorney General Mark S. Braun, Disciplinary Counsel for the Board. The Respondent, Deborah Bauman, appears in person and without counsel.

The Hearing Officer notes for the record that the Motion to Lift Stay and Notice of Hearing were served on the Respondent March 17, 1995, by placing same in the United States Mail to her at 3516 Bennet Lane, Wichita, Kansas 67217. Upon inquiry, Respondent states she received the motion and notice. The Hearing Officer advises the Respondent that she has the right to be represented by an attorney in these proceedings, if she chooses to obtain one. Respondent states she is aware of this right, but she is waiving

that right and wishes to proceed without counsel. The Hearing Officer asks both sides if they are ready to proceed. Both sides indicate they are ready.

The Hearing Officer inquires if there are any preliminary matters. The Petitioner states that there is one. Petitioner states that the parties have discussed this proceeding and have reached an agreement regarding the motion and disposition. The Hearing Officer directs the Petitioner to state the terms of the agreement and disposition. Petitioner states that the Respondent has indicated she will admit to non-compliance with the Board's previous order as stated in the motion. Further, that the disposition agreed upon by the parties is that the Respondent's license to practice as a registered professional nurse will be suspended for a period of one year from date of this hearing, until March 31, 1996, or until the closest hearing date after March 31, 1996, whichever is later. A hearing will be scheduled on or about that date for a review to determine: whether or not to continue the suspension, or under what, if any terms, Respondent may practice nursing. Respondent shall not practice nursing in Kansas during the suspension until further order of the Board.

The Hearing Officer advises the Respondent that the motion alleges that she has violated, or not complied with, the Board's previous order and inquires if she understands the charge. Respondent states she understands it. The Hearing Officer advises the Respondent she may either admit or deny the allegations contained in the Motion. Respondent is advised that if Respondent

denies the allegations, the matter will be set for hearing in which the petitioner will have to prove, through witnesses and evidence, that the Respondent committed the act(s) complained of in the Motion. The Respondent will have the opportunity to cross-examine the Petitioner's witnesses, as well as the opportunity to present witnesses and evidence on her own behalf. Respondent is advised that if Respondent admits the allegations, there will be no hearing. Based on the admission, the Hearing Officer will make a finding that the Respondent committed the act(s) complained of and that respondent violated or did not comply with the Board's previous order in her case. The matter will then proceed to disposition to determine and impose the appropriate discipline for the violation.

The Hearing Officer inquires of the Respondent if she understands her options regarding the allegations. Respondent states that she understands her options. The Hearing Officer inquires of the Respondent whether she admits or denies the violation charged. Respondent admits she did not comply with the Board's previous order. The Hearing Officer inquires of the Respondent if the terms of the agreed disposition were accurately stated and if she has, in fact, reached such an agreement. Respondent states the terms were accurately stated and she has reached the agreement.

Based upon the Respondent's admission to the violation, the Hearing Officer makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent was issued license number 14-057972-052, which expires May 31, 1996.

2. The Notice of Hearing and Petition in this matter were sent to the Respondent at her last address known to the Board by first class mail on March 17, 1995.

3. Respondent, after explanation of her options, admitted to the violation of the Board's previous order as stated in the motion.

4. Respondent did not comply with the Board's previous order.

5. The parties have reached an agreement regarding the violation of the Board's order and disposition in this matter.

CONCLUSIONS OF LAW

1. The Board and this Hearing Officer have jurisdiction to hear this matter pursuant to the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and the Kansas Administrative Procedures Act, K.S.A. 77- 501 et seq. Respondent stipulates to such jurisdiction.

2. The Board, and by designation the Hearing Officer, have the authority, after a finding of a violation of the Nurse Practice Act, to implement any of the disciplinary options identified in K.S.A. 65-1120 against the Respondent's license to practice nursing in the state of Kansas, pursuant to the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

3. K.S.A. 65-1120(b) requires these proceedings of the Board to be conducted pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

4. Notice of Hearing and service were done in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq., and are therefore proper.

5. Based on Respondent's admission, Respondent violated the Board's previous order by not complying with that order.

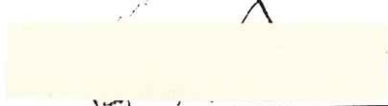
6. The parties have reached an agreement regarding the disposition of this case.

ORDER

Based on the agreement of the parties, and the above findings of fact and conclusions of law, IT IS THEREFORE ORDERED pursuant to the disciplinary remedies available under K.S.A. 65-1120(a), the following disciplinary action shall be taken against the Respondent's license:


Respondent's license shall be suspended until March 31, 1996, and she shall not practice nursing in the State of Kansas during that period of suspension. The matter will be reviewed at a hearing date as close to that date as possible to review and determine whether the suspension should continue, or whether to terminate the suspension, and under what, if any, terms respondent may practice nursing in Kansas after March 31, 1996.

IT IS SO ORDERED.



Terry E. Beck
Hearing Officer

Prepared and Submitted by:


Mark S. Braun
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Assistant Attorney General
Disciplinary Counsel
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NOTICE REGARDING RELIEF FROM THIS ORDER
STATEMENT OF APPEAL RIGHTS

This is an Initial Order. The parties to whom this Initial Order is issued may file a petition for review with the Agency Head within fifteen (15) days after service of this order. The petition for review must state the specific grounds upon which relief is requested. Unless a later date is stated within the Initial Order, a stay is granted, or the order is reviewed, an Initial Order shall become a final order without further notice or proceedings thirty (30) days after the date of service as indicated by the attached certificate of service.


CERTIFICATE OF SERVICE

This is to certify that on the 21st day of April, 1995, I deposited a true and correct copy of the Initial Order in the United States Mail, first class mail, postage prepaid to the following:

Deborah Bauman
3516 Bennett Lane
Wichita, Kansas 67217

and by hand delivery to:

Mark S. Braun
Assistant Attorney General
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230


Diane M. Glynn, J.D., R.N.
Practice Specialist