

BEFORE THE KANSAS STATE BOARD OF NURSING  
Landon State Office Building, Room 553  
Topeka, Kansas 66612  
(913) 296-4959

In the Matter            )  
                              )  
          of                    )  
                              )  
Jane Billows            )  
\_\_\_\_\_                    )

Case No. 89-038

INITIAL ORDER

This matters comes on for hearing on April 5, 1989 before the designated hearing panel of the Kansas State Board of Nursing. Members present are JoAnn Peavler, L.P.N.; Mary Dunbar, L.M.H.T.; and Doris Underwood, R.N., Presiding Officer. Mark W. Stafford, Assistant Attorney General appears as General Counsel to the Board.

Disciplinary Counsel appears through Steve A. Schwarm, Assistant Attorney General.

Respondent Jane Billows, license no. 14-05940-042, appears in person and without counsel.

Upon presentation of evidence and testimony of witnesses, the panel makes and enters the following findings of fact and conclusions of law:

Findings of Fact

1. Respondent was served with a notice of hearing and petition on March 23, 1989 by first class mail.
2. Respondent has been previously licensed by the Board to practice as a professional nurse, and was issued license number 14-05940-042. That license expired on April 30, 1988.
3. Respondent was authorized to practice as a registered nurse anesthetist. That authorization expired December 31, 1989.
4. Prior to the expiration date of her R.N. license, respondent applied for license renewal. A personal check for the renewal fee was enclosed.
5. Respondent was notified by the Board that the renewal fee could not be paid by personal check, but must be paid by bank check or money order. This requirement was made known to respondent through the application materials. The application and personal check were returned to respondent.
6. Respondent did not refile an application for renewal until February 28, 1989. Respondent enclosed a \$40.00 money order with her application. Upon notice by the Board that a reinstatement application required an additional fee of \$10.00, respondent forwarded a \$10.00 money order to the Board.

7. Respondent continually practiced as a professional nurse and as a registered nurse anesthetist, even though her license and authorization had lapsed.

8. Respondent did not open her mail other than bills or examine her bank statements until she was preparing her 1988 income tax materials. Respondent was experiencing family health problems.

#### Conclusions of Law

1. A license to practice as a professional nurse and authorization to practice as a registered nurse anesthetist may be denied, revoked or suspended if the individual is found guilty of unprofessional conduct.

2. Unprofessional conduct is defined by the Board in K.A.R. 60-3-110(a)(1) as performing acts beyond the authorized scope of the level of nursing for which the respondent is licensed.

3. By her own admission, respondent did practice as a professional nurse and as a registered nurse anesthetist, even though her license and authority to do so were no longer in effect.

4. Mere negligence in failing to timely renew a license is not unprofessional conduct. However, respondent had notice that her license renewal of 1988 was not a proper and complete

application, and that she was required to take further action to become properly licensed.

5. By continuing to practice as a professional nurse and as a registered nurse anesthetist after the Board had notified her that the renewal application was not granted constitutes unprofessional conduct, as defined.

6. Unprofessional conduct, as now defined by Board regulation, does not require a finding of willfulness or actual intent to commit an act of unprofessional conduct.

NOW THEREFORE, this panel orders that respondent's application for license reinstatement be granted as of February 28, 1989, the date of valid application. Additionally, this panel orders that respondent's renewed license be suspended for a period of sixty (60) days, such suspension to begin on February 28, 1989, pursuant to the finding of professional conduct.

IT IS SO ORDERED.

 *DN*  
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Doris Underwood, R.N.  
Presiding Officer

Notice Regarding Relief from this

Initial Order

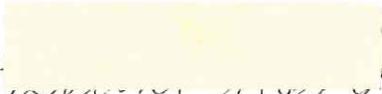
This is an initial order, and will become a final order without further notice 30 days after service upon the parties if no party has filed a petition for review with the board. Within 30 days of service of this order, such beginning date being indicated on the attached certificate of service, any party to the proceeding may request a stay of the effectiveness of this order. If granted, the stay would be effective until 30 days following the date of service. Any party may file a petition for review of this order within 15 days of service of this order. Such petition must be filed with the Board in compliance with K.S.A. 1988 Supp. 77-527.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing INITIAL ORDER was served by depositing the same in the United States Mail, first class postage prepaid, this 17<sup>th</sup> day of April, 1989, and addressed to:

Jane Billows  
905 Canterbury  
Pittsburg, Kansas 66762

Steve A. Schwarm  
Second Floor, Kansas Judicial Center  
Topeka, Kansas 66612

  
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