

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF JENNIFER ANN CLINGENPEEL**

**License No. 14-72699-111 AND 53-76031-111**

**Case No. 14-292-0**

FILED

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**PROPOSED DEFAULT ORDER REVOKING LICENSE**

NOW ON THIS 30<sup>th</sup> day of July, 2015, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Michael R. Fitzgibbons, Assistant Attorney General, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per Petitioner's request, Respondent's license to practice nursing in the State of Kansas is revoked.
6. Costs of the action of \$100 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.

8. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
9. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.



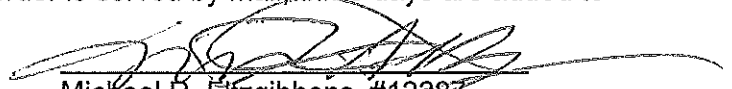
Sandra Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30<sup>th</sup> day following its service.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.



Michael R. Fitzgibbons, #12287  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 3rd day of August, 2015, the foregoing copy of the PROPOSED DEFAULT ORDER REVOKING LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Jennifer Ann Clingenpeel  
924 Scott Drive  
Liberty, MO 64068



Michael R. Fitzgibbons

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Topeka, Kansas 66612-1230

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**IN THE MATTER OF JENNIFER ANN CLINGENPEEL**

**APR 20 2015**

**License No. 14-72699-111 AND 53-76031-111**

**KSBN**

**Case No. 14-292-0**

**PETITION**

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Michael R. Fitzgibbons, and for its cause of action states that:

1. Respondent, Jennifer Ann Clingenpeel, is licensed to practice nursing in the State of Kansas. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 924 Scott Drive Liberty, MO 64068.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

**FACTS COMMON TO ALL COUNTS**

5. The facts below are common to all counts:
  - (a) According to the report, it is alleged that from the 7<sup>th</sup> day of July, 2012 to and through the 12<sup>th</sup> day of January 2013, licensee repeatedly prescribed controlled substances in Missouri in the name of licensee's son without authorization from her collaborative practice physician.

- (b) On or about the 29<sup>th</sup> day of April 2013 per her initial advanced practice application, licensee failed to disclose the pending investigation of her Missouri nursing license.
- (c) On or about the 10<sup>th</sup> day of May, 2013 per her Kansas Registered Nurse reinstatement application, licensee failed to disclose pending investigation of her Missouri Nursing License.
- (d) On or about the 10<sup>th</sup> day of January, 2014, renewal of her Missouri Nursing License was denied due to the above actions regarding controlled substances and due to her failure to disclose her pending Missouri Investigation per licensee's Missouri RN Renewal.
- (e) On or about the 31<sup>st</sup> of March, 2014, licensee's Washington state RN/APRN licenses were emergently suspended by the Washington Board of Nursing based on the above action in Missouri.
- (f) On or about the 30<sup>th</sup> day of May, 2014. The above emergency suspension was lifted per the Washington Board of Nursing and licensee was required to enroll in an impaired provider program.
- (g) On or about the 10<sup>th</sup> day of June, 2014. Licensee's Washington RN/APRN licenses were limited and restricted per the Washington Board of Nursing.
- (h) Licensee was contacted by the investigator for the KSBN twice on the 22<sup>nd</sup> day of September 2014 and again on the 25<sup>th</sup> day of September, 2014 and there has been no response.

#### VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(3) to have committed an act of professional incompetency as defined in subsection (e) in practicing outside of the scope of license.

Count 3: K.S.A. 65-1120 (e) (3) professional incompetence as defined as a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing

Count 4 K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended ... by a licensing authority of another state.

Count 5: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct as defined by rules and regulations of the board by failing to furnish the board, its investigators, or its representative with any information legally requested by the board.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that licensee's nursing license in the state of Kansas be revoked and the Costs of this action be assessed to the respondent in at least the amount of \$100.00.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By: 

Michael R. Fitzgibbons #12287  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612