

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

FEB 10 2014

KSBN

**IN THE MATTER OF**

**PENNY KAEDING**

**License No. 14-75288-022**

**Case No. 13-1210-9**

**SUMMARY ORDER TO REVOKE**

Now this 10<sup>th</sup> day of February, 2014, 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 Penny Kaeding, (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 2/28/2014. The Board has jurisdiction over the Licensee and the subject matter of this action.
- b. Licensee's address of record is 14901 Stonewood Drive, Grandview, Missouri 64030.
- c. The Board discovered licensee's Missouri nursing license was revoked on 6/25/2013, according to NURSYS. The licensee was contacted by the Kansas Board and asked to provide a copy of any and all actions pending or adjudicated against her license in Missouri. Licensee did not provide documentation but in writing informed the Kansas Board she wanted to surrender her Kansas nursing license on 9/16/2013.
- d. Licensee's license was revoked in Missouri in 2013. The Missouri Board found that multiple cards of prescriptions medication with residents' names from Garden Valley Nursing and Rehabilitation Center and Life Care Center, were found in the licensee's home and photographed. Licensee was employed by Garden Valley Nursing and Rehabilitation Center at the time patient's prescription medications were found in her home. The Missouri Board found licensee had committed acts of incompetence, gross negligence, violations of professional trust or confidence and she had been placed on the Missouri Department of Health and Senior Services employee disqualification list registry for two years in 2010.
- e. Licensee did not notify the Kansas Board of her Missouri license revocation, within thirty (30) days as required by the Kansas Nurse Practice Act.
- e. Licensee also failed to file her Missouri state tax returns or pay her state tax liabilities.
- f. Licensee failed to notify the Kansas Board of the Missouri disciplinary action. Licensee was given the opportunity to surrender her license to the Kansas Board. An

agreed order to surrender/revoke her license was sent to her address of record in October and again in November of 2013. She failed to respond or return the agreement.

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)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States or government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.


(b) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(t) failing to furnish the board, its investigators, or its representatives with any information legally requested by the Board.

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.
4. 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.
5. 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 is revoked.**
2. **Licensee shall not practice nursing in the state of Kansas.**
3. **Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

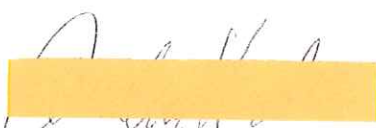
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must submit or direct a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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.

  
Judith Hiner, RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 10<sup>th</sup> day of February, 2014, 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:

Penny Kaeding  
14901 Stonewood Drive  
Grandview, Mo. 64030

  
Alma A. Heckler, #11555  
Assistant Attorney General