

14BND102  
5/16

**BEFORE THE KANSAS STATE BOARD OF NURSING**  
Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

FILED

MAY 22 2014

FILED OAH

KSBN

19 MAY '14 PM 2:03

**IN THE MATTER OF  
AMY STEPP  
License No. Reinstatement Application Pending (14-80381-012)**

**Case No. 13-2135-0**

**PROPOSED DEFAULT ORDER TO DENY REINSTATEMENT**

NOW ON THIS 16th day of May, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, Assistant Attorney General, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent filed a reinstatement application to practice nursing in Kansas on or about December 4, 2013. 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 to deny reinstatement and notice of this hearing to respondent's last known address and service is proper. Respondent contacted the Board at 8:30 a.m. May 16, 2014 and told the disciplinary counsel that she did not intend to appear for hearing scheduled at 9:00 a.m. May 16, 2014. Disciplinary counsel told respondent her failure to appear would be considered a default. Respondent did not file a witness or exhibit list or exchange documents with the petitioner by April 18, 2014 as directed by the Prehearing Order filed in this matter on February 27, 2014.
3. Petitioner moves for issuance of a proposed default order denying reinstatement of 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 reinstatement application and license to practice nursing is denied. Respondent may not practice nursing in Kansas.
6. Costs of the action in at least the amount of \$70.00 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. Respondent shall immediately forward his or her original Kansas nursing certificate and any license cards in his or her possession to the Kansas State Board of Nursing.
8. 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.
9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
10. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

**IT IS SO ORDERED.**



---

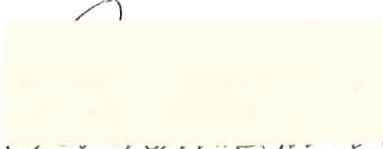
Sandra Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

#### **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.

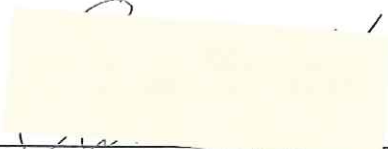
---

Alma A. Heckler, #11555  
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 20<sup>th</sup> day of May, 2014, the foregoing copy of the PROPOSED DEFAULT ORDER TO DENY REINSTATEMENT was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Amy Stepp  
5817 NW Buttonwood Dr.  
Parkville, Mo. 64512

---

Alma A. Heckler, #11555  
Assistant Attorney General

**BEFORE THE KANSAS STATE BOARD OF NURSING**  
Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

FILED

JAN 14 2014

**IN THE MATTER OF  
AMY STEPP  
License No. Reinstatement Application Pending (14-80381-012)**

KSBN

**Case No. 13-2135-0**

**PETITION TO DENY REINSTATEMENT**

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

1. Respondent, Amy Stepp, filed an application for reinstatement of her license on December 4, 2013. Her license was revoked after hearing and review by the Board. The revocation was final on or about January, 2011. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 5817 NW Buttonwood Drive, Parkville, Missouri 64152.
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) In Case No. 05-037-7, the Board confirmed the respondent was convicted in the United States District Court, District of Kansas, of conspiracy to acquire 30,000 doses of Iortab by fraud, a felony offense.

(b) Respondent was referred to the Kansas Nurse Assistance Program (KNAP) by the Board. Respondent enrolled in KNAP on September 7, 2005.

(c) Respondent moved to Mississippi in August 2007. The Mississippi Board of Nursing issued her a license to practice nursing. The Mississippi Board also issued a disciplinary action against her based on the federal drug conviction. On October 16, 2007, as a part of the disciplinary action, respondent signed a contract with the Mississippi Board of Nursing entitled "Program Participation Affidavit Recovering Nurse Program" (RNP). Respondent agreed to have restrictions placed on her license for a minimum of two (2) years, while she participated in RNP. She acknowledged that her participation in RNP constituted a disciplinary action and she must complete RNP before her license in Mississippi would be unencumbered.

(d) The Kansas Board opened a second case investigation, Case No. 08-078-0, based on the disciplinary action taken in Mississippi. Respondent entered a diversion agreement with the Board of Kansas, and stipulated to a violation of K.S.A. 65-1120(a)(8). Respondent agreed to complete RNP in Mississippi and to provide the Kansas Board with an RNP compliance report each month from the Mississippi Board of Nursing. Proof of completion of RNP required written notification from RNP to the Kansas Board. The Kansas Board agreed to inactivate the Diversion Agreement when Respondent completed RNP in Mississippi.

(e) In October 2009, Mississippi initiated action to revoke respondent's nursing license for failure to comply with the Mississippi contract. Her license was revoked in March 2010. Respondent moved to Missouri and then Kansas. She did not arrange with either nursing Board to substitute KNAP or another program, for RNP.

(f) The Kansas Board filed a petition to revoke her Kansas license January 13, 2010. Respondent's license was revoked based on her failure to show she was sufficiently

rehabilitated to warrant the public trust after being convicted of a felony offense involving an illegal drug, K.S.A. 65-1120(a)(2). The Respondent failed to comply with a disciplinary order of the Board and to complete the impaired provider program of the Board, which are violations of K.S.A. 65-1120(a)(6). Respondent also had her license revoked by the Mississippi Board of Nursing, K.S.A. 65-1120(a)(8).

(g) Respondent filed a reinstatement application on December 4, 2013. Respondent supplied a license card that purports to be a validly issued license from the Kansas Board of Nursing. The license card has an expiration date of 1/31/2014. Respondent did not provide any evidence of rehabilitation.

(h) Respondent last renewed her Kansas nursing license on 2/1/2010. A wallet card was issued at that time, showing her license was valid until 1/31/2012. The board issued an order effective 7/1/2010 that wallet cards would no longer be issued at time of renewal. No license cards were issued to those nurses renewing licenses after 7/1/2010. The Respondent's nursing license was revoked on 1/13/2011 by Board order. Respondent's license was not renewed on 1/31/2012 and no wallet card was issued to the respondent. The license card appears to have been altered to reflect an expiration date of 1/31/2014.

(i) Respondent appears to acknowledge she does not have a valid license because she filed an application for reinstatement on December 4, 2013.

(j) Per Vakas v. Kansas State Board of Healing Arts, 248 Kan. 589 (1991), factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made are the following:

- The present moral fitness of the petitioner;
- The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- The extent of petitioner's rehabilitation;
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;

- The petitioner's present competence in medical skills.

The Respondent presents no evidence to demonstrate why her license should be reinstated at this time. Respondent presents an invalid and altered Kansas wallet license card with her reinstatement application.

### VIOLATIONS

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

Count 1: 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 government, territory of the United States or country...;

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 60-3-110 (s);

Count 3: K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust...;

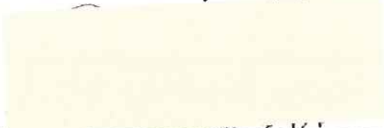
Count 4: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be <sup>revoked</sup> ~~revoked~~, and that costs of this action be assessed to the respondent in the at least the amount of \$70.00.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By:

  
Alma A. Heckler, #11555  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612