

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JAN 11 2010

KSBN

In the matter of

BEVERLY J. JAGGER

License No. 14-081120-071

Case Nos. 04-047-5, 07-761-5

SUMMARY ORDER

Now this 8th day of January, 2010, 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 reinstatement application of Beverly J. Jagger (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Applicant was previously licensed to practice nursing in the state of Kansas. Applicant's license to practice nursing in the state of Kansas as a registered nurse lapsed on or about 7/31/2007. On or about November 7, 2007, applicant submitted an application for reinstatement of Applicant's license to practice nursing in the state of Kansas.
2. Applicant's address of record is 1609 Amber Ridge Circle, Derby, KS 67037.
3. The Application and other information gathered by the Board reveal that KSBN investigative case number 04-047-5 was inactivated in December 2004 upon Applicant's agreement to participate in the [REDACTED]
4. In December 2005, the original [REDACTED] term of one year was extended to three years following a relapse and noncompliance.
5. The Application and other information gathered by the Board reveal that Applicant's [REDACTED] case was closed in September 2007 after Applicant's nursing license lapsed in August 2007.
6. The Application and other information gathered by the Board reveal that Applicant was involved in a motor vehicle accident on April 18, 2007, and arrested for driving while under the influence of drugs, a class B misdemeanor, driving without proof of insurance, a class B misdemeanor, and improper driving on laned roadway, a traffic infraction. A complaint was filed March 7, 2008, in Sedgwick County District Court, and summons was returned unserved. The complaint remains pending.
7. The Application and other information gathered by the Board reveal that Applicant has failed to appear or failed to comply on other traffic cases and has multiple driver's license suspensions and pending charges of driving while suspended.

8. The Application and other information gathered by the Board reveal that Applicant was convicted of two counts of misdemeanor theft and sentenced in Derby Municipal Court on May 9, 2007.

9. Applicant's application, dated October 30, 2007, discloses a traffic misdemeanor conviction but does not report the theft conviction.

10. Applicant had previously submitted an application that was returned to her because question number 10, "Have you ever been convicted of a misdemeanor or a felony?", was left blank.

11. Applicant omitted the theft conviction after having her attention called to the question; thus, any omission cannot be construed as unintentional.

12. The file reflects that disciplinary counsel for the Board wrote to Applicant at her address of record on or about November 3, 2008, requesting Applicant contact him regarding the case.

13. To date, it appears Applicant has not responded, nor was the letter returned as undeliverable.

CONCLUSIONS OF LAW

14. 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, upon making any of the findings listed in K.S.A. 65-1120(a).

15. The Board has jurisdiction over the Applicant and the subject matter of this action.

16. The Board may deny Applicant's application or take disciplinary action upon a finding that Applicant is guilty of unprofessional conduct as defined by rules and regulations of the Board. K.S.A. 65-1120(a)(6)

17. Applicant has engaged in unprofessional conduct, as defined by K.A.R. 30-3-110(s), by failing to complete the requirements of the impaired provider program of the Board.

18. Applicant has engaged in unprofessional conduct, as defined by K.A.R. 60-3-110(a), by failing to furnish the Board, its investigators, or its representatives with any information legally requested by the Board.

19. A licensee must notify the Board in writing, within 30 days of the date the conviction becomes final, of a conviction of any felony or of a misdemeanor specified by the Board's rules and regulations. K.S.A. 65-1117(c)(1)(B). A theft conviction must be reported. K.A.R. 60-3-113(k).


20. Applicant was licensed in May 2007 and, thus, required by K.S.A. 65-1117(c)(1)(B) and K.A.R. 60-3-113(k) to report the misdemeanor theft conviction.

21. Applicant's failure to report the theft conviction violates the Kansas Nurse Practice Act.
22. The Board may deny Applicant's application or take disciplinary action upon a finding that Applicant has been guilty of fraud or deceit in attempting to procure a license to practice nursing. K.S.A. 65-1120(a)(1).
23. Applicant omitted her theft convictions from her application with the intent to deceive in an attempt to procure a nursing license.
24. Further, Applicant's repeated failure to comply with traffic citations and continuing to drive on a suspended license reflect a disregard for regulatory authority and/or an inability to exercise sound judgment and manage her affairs.
25. 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 and 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.
26. 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
Applicant's reinstatement application to practice nursing in the state of Kansas is denied.**

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.

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.



Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 11th day of January, 2010, I served a true and correct copy of the foregoing Summary Order by causing the same to be deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Beverly J. Jagger
1609 Amber Ridge Circle
Derby, KS 67037



Brenda J. Clary, #18770
Assistant Attorney General

