

# Kansas State Board of Nursing

Landon State Office Building  
900 S.W. Jackson, Rm. 551 S  
Topeka, Kansas 66612-1230  
785-296-4929  
FAX 785-296-3929



Patsy L. Johnson, R.N., M.N.  
Executive Administrator  
785-296-5752  
ksbn0@ink.org

March 8, 1999

Ms. Gail Phelps  
PO Box 884  
Hooker, Texas 73945

## SUMMARY ORDER

Dear Ms. Phelps:

I have reviewed your application materials and on behalf of the Board members am denying your endorsement application to practice as a registered nurse in Kansas. This denial is based upon the following:

### I. FINDINGS OF FACT

1. On or about August 14, 1998 Respondent filed an application for endorsement to practice as a registered nurse in Kansas. Respondent revealed on said application a criminal conviction in 1989 and a discipline action in Oklahoma.
2. On or about April 18, 1989 Respondent pled guilty in case 89-CR-94. District Court of Finney County, Kansas, to one count of an insufficient funds check. Two other criminal cases 89-CR-143 and 89-CR-188 were dismissed as part of the plea agreement. She was sentenced to ten (10) days of jail time and two years of supervised probation. Respondent's probation was terminated on December 6, 1990. Copies of said documents are attached hereto, marked as Exhibit A, and incorporated by reference herein.
3. On or about January 28, 1998 the Oklahoma Board of Nursing revoked Respondent's license for failure to comply with her July 25, 1997 Stipulation and Settlement Order with the Oklahoma Board of Nursing. The original Oklahoma action involved Respondent's unprofessional comments about a patient, making reference to patient's injured foot saying "Why don't we drop the foot off the bed and step on it". Copies

Janette Pucci, R.N., M.S.N.  
Education Specialist  
296-3782  
ksbn1@ink.org

Patricia McKillip, R.N., Ph.D.  
Education Specialist  
296-3782  
ksbn1@ink.org

Diane Glynn, R.N., J.D.  
Practice Specialist  
296-4325

Rex G. Beasley, J.D.  
Assistant Attorney General  
Disciplinary Counsel  
296-8401

of the Oklahoma actions are attached hereto, marked as Exhibit B, and incorporated by reference herein.

4. The Board has a duty to protect the public from incompetent, unprofessional, unsafe or dangerous healthcare practitioners. Because of Respondent's repetitive criminal history and recent Oklahoma discipline the Board is not persuaded that Respondent will be a professional and safe practitioner.
5. Respondent has displayed a disregard for rules and laws prescribing certain unacceptable conduct.
6. Respondent has not provided proof of any remedial or educational activity designed to correct or prevent such future behavior.

## II. CONCLUSIONS OF LAW

1. K.S.A. 65-1115 provides that the Kansas State Board of Nursing shall grant a license to individuals that meet certain qualifications as set by statute.
2. However, K.S.A. 65-1120(a) gives the board the authority to deny a license to practice nursing as a registered professional nurse if the applicant is found: . . .

"(6) to be guilty of unprofessional conduct . . ." as defined at K.A.R. 60-3-110 "(e) committing any act of verbal or physical abuse of a patient;" or

"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 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. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph (8).

3. K.S.A. 65-1120(b) authorizes the board to deny a license in accordance with the provision of the Kansas Administrative Procedures 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 when denying an application.

### III. ORDER


Based on the above and foregoing Findings of Fact and Conclusions of Law, your endorsement application for a license to practice nursing as a registered nurse in the State of Kansas is hereby denied.

If the information provided by you, the District Court of Finney County, Kansas or the Oklahoma Board of Nursing is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

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:

Practice Specialist  
Kansas State Board of Nursing  
900 SW Jackson, Suite 551-S  
Topeka, Kansas 66612-1230  
(913) 296-8401

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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

  
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Leona Beezley, R.N.  
Board Member

CERTIFICATE OF SERVICE

I certify that on the 15<sup>th</sup> day of March 1999, 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:

Gail Phelps  
PO Box 884  
Hooker, Texas 73945

Patsy Johnson (by DMG)

Patsy Johnson, M.N., R.N.  
Executive Administrator