

Filed  
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Board of Nursing

KANSAS STATE BOARD OF NURSING  
MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

September 10, 2004

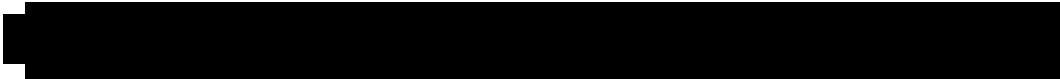
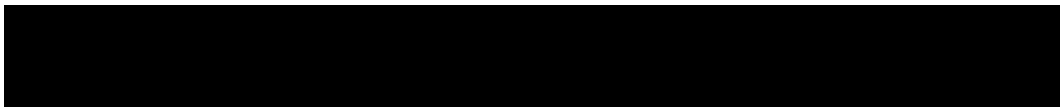
Tracy Smith  
8436 Tauromee Ave  
Kansas City, KS 66112

**SUMMARY ORDER**

Dear Ms. Smith:

The Disciplinary Committee of the Kansas State Board of Nursing has reviewed your application materials and on behalf of the Board members I am denying your application for endorsement as a LPN in Kansas. This denial is based upon the following:

**FINDINGS OF FACT**

1. Applicant has submitted an application for endorsement in Kansas from Missouri, it was received by the Board 10/8/2003.
2. On respondent's application she disclosed that on or about 4/18/2003 Missouri took an administrative action to put the respondent's license on probation. She also reported a conviction for felony possession on or about 11/7/2000, and a felony for attempted possession on or about 1/31/2001.
3. The Missouri probation includes 3 years with requirements on employment, chemical dependency treatment and rehabilitation, and drug screens.
4. 
5. 
6. 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.
7. K. S. A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found to be guilty of violating the Kansas Nurse Practice Act:
  - a. 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, except that notwithstanding K.S.A. 74-120 no license, certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an

advanced registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto;

b. K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

c. 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 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).

8. Your conduct described herein violated the Kansas Nurse Practice Act.
9. If the information provided 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:

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

  
Kelly Arpin, L.P.N.  
Board Member

CERTIFICATE OF SERVICE

I certify that on the 10<sup>th</sup> day of September, 2004, 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:

Tracy Smith  
8436 Tauromee Ave  
Kansas City, KS 66112

  
Betty Wright, Assistant Attorney General  
785-296-7047