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MAY 14 2007

KSBN

May 14, 2007

Tracy L. Fenner
8436 Tauromee Ave
Kansas City, KS 66112

Case No. 03-598-0
License No. Applicant

SUMMARY ORDER

Dear Ms. Fenner:

The Investigative Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your endorsement application to practice nursing as a licensed practical nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) Applicant submitted an application for endorsement to practice nursing in the state of Kansas. The application was received by the KSBN on or about 10/8/2003.

(b) On Applicant's 10/8/2003 application, Applicant disclosed that on or about 4/18/2003 the Missouri State Board of Nursing entered a disciplinary order placing the Applicant's Missouri nursing license on probation. The Missouri probation was for a period of three years with limitations on employment, chemical dependency treatment and rehabilitation, and drug screens.

(c) Applicant also reported on the 10/8/2003 application that Applicant was convicted on or about 3/20/2002, of Felony Possession of a Controlled Substance and Felony Attempted Possession of a Controlled Substance. Both felony convictions occurred in the state of Missouri.

(d)

(e)

(f) On or about 9/10/2004, Applicant's 10/8/2003 endorsement application was denied.

(g) On or about 4/18/2006, Applicant's probationary status with the Missouri State Board of Nursing was removed.

(h) On or about 12/7/2006, Applicant again submitted an application for endorsement to the KSBN.

CONCLUSIONS OF LAW

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)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(b) 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.

(c) 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 without establishing sufficient rehabilitation.

3. 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 in whole or in part.

4. Your conduct described herein violates the Kansas Nurse Practice Act.


5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

7. 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.


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

CERTIFICATE OF SERVICE

I certify that on the 14th day of May, 2007, 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 L. Fenner
8436 Tauromee Ave
Kansas City, KS 66112



Mark A. Knight, #12183
Assistant Attorney General