

September 29, 2008

Marilyn J. Mate
P.O. Box 1405
Pittsburg, KS 66762

Case No. 08-328-6
License No. Applicant

SUMMARY ORDER

Dear Ms. Mate:

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. On or about 3/3/2008, the Board received Applicant's endorsement application to practice nursing in the state of Kansas as a licensed practical nurse.

An investigation of Applicant revealed that on or about 3/7/2008, Applicant appeared at Nursestat, LLC, Saint Paul, KS to apply for a nursing position. As part of the application process, Applicant was required to take a test to evaluate nursing competency.

Nursestat staff observed Applicant was having issues with the test and inquired of Applicant if she was having trouble with the test. Applicant denied having trouble and stated she was more of a doctor than a nurse.

Nursestat staff advised Applicant was asked about her experience but Applicant would not provide an answer. Nursestat staff advised Applicant stated in an angry, loud tone that Nursestat staff would be sorry if they did not hire Applicant. Nursestat staff observed Applicant to have jumpy body movements.

Nursestat staff advised Applicant left their office, slamming the door. Applicant then returned wanting a copy of her application. Nursestat staff advised Applicant then ran to a nearby vehicle and drove away at a high rate of speed.

Following the KSBN investigation, Applicant was referred to the impaired provider program of the Board, Kansas Nurses Assistance Program (KNAP) for evaluation. A [REDACTED]

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)(6), unprofessional conduct by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.

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.

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Tamara Hutchison, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 29th day of September, 2008, 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:

Marilyn J. Mate
P.O. Box 1405
Pittsburg, KS 66762


Mark A. Knight, #12183
Assistant Attorney General