

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

NOV 17 2009

**IN THE MATTER OF
DEBORAH K. ROCKERS
License No.**

KSBN

Case No. 08-732-6

SUMMARY ORDER

Now this 13th day of November, 2009, 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 licensed practical nurse initial application of Deborah K. Rockers (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant submitted an initial application to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
- (b) Applicant's address of record is 28322 NE 2400 Road, Greeley, KS 66033.
- (c) On or about 7/29/2008, the Board received Applicant's initial application to practice nursing in the state of Kansas.
- (d) Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
- (e) The applicant submitted her initial application to the Board but failed to report several criminal convictions as required. Applicant has the following criminal convictions: 10/11/05 misdemeanor conviction in Anderson County District Court for one count of domestic battery and one count of obstructing legal process or official duty; 10/4/07 misdemeanor conviction for driving under the influence in Miami County, Kansas, District Court; and another pending charge of domestic battery in Anderson County, Kansas, District Court. The applicant has several traffic violations.
- (f) The applicant was direct referred to the Kansas Nurse Assistance Program (KNAP) at the request of the Board. The Board requested that the applicant undergo a drug, mental health and anger management evaluation. The Board would reevaluate the applicant's evaluation once those evaluations would be received. The applicant failed to follow through and KNAP closed her case on or about 8/28/09.

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)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

(b) 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.

(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 unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust..."

(d) 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. Applicant's conduct described herein violates the Kansas Nurse Practice 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 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.

5. 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

1. Applicant's initial 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 17th day of November, 2009, 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:

Deborah K. Rockers
28322 NE 2400 Road
Greeley, KS 66033



Alma A. Heckler, #11555
Assistant Attorney General