

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**FEB 27 2012**

**KSBN**

**IN THE MATTER OF**

**VY TUONG LE**

**License No. RN Applicant**

**Case No. 11-1579-5**

**SUMMARY ORDER**

Now this 27 day of February, 2012, 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 deny the initial application filed by Vy Tuong Le, on June 28, 2011, as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. (a) Applicant filed an initial RN application on or about June 28, 2011. Applicant was notified by the National Council of State Boards of Nursing (NCSBN) by letter dated on or about December 6, 2011, informing her of its intent to cancel the examination result because of a violation of the examination administration rules. Applicant was given sixty (60) days to appeal and respond to NCSBN's letter and present an explanation. Respondent failed to respond. NCSBN canceled the Applicant's NCLEX result and informed the Kansas Board of Nursing of its action. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Applicant's address of record is 1815 S. Brandon St., Wichita, Kansas 67207.

(c) On or about November 22, 2011 the Applicant violated the NCLEX candidate rules during the administration of her NCLEX-RN examination. Applicant was observed accessing NCLEX examination study aids while on a break during the administration of the examination. NCSBN has not determined that the Applicant sought improperly to gain an advantage in taking the examination.

(d) Applicant no longer meets the requirements of K.S.A. 65-1115 and the Board cannot license her.

**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. 65-1115(c)(1)(B) Applicant has not passed a written examination as prescribed by the Board.

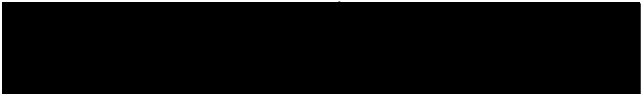
3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.
4. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.
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 license to practice nursing in the state of Kansas is denied. Applicant must file a new application with the Board and request the approval of the Board to take NCLEX.**
2. **Applicant is not licensed to practice nursing in the state of Kansas.**

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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.

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.

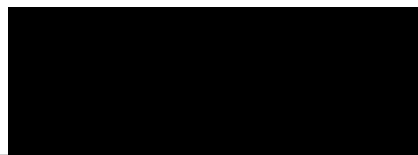


Judith Hiner, RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 27th day of February, 2012, 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:

Vy Tuong Le  
1815 S. Brandon St.  
Wichita, Kansas 67207



Alma A. Heckler, #11555  
Assistant Attorney General