

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
EVELINE P. KEISLER  
License No. RN Endorsement Application**

**Case No. 13-1570-0**

FILED

JAN 20 2014

KSBN

**SUMMARY ORDER**

Now this 28th day of January, 2014, 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 RN Endorsement Application of Eveline P. Keisler, (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. (a) Applicant has applied to practice nursing in the state of Kansas as a Registered Nurse. The date of the application is August 23, 2013. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Applicant's address of record is 3774 E. 1<sup>st</sup> St., Custer, Michigan 49405.

(c) On or about August 23, 2013, Applicant submitted an endorsement application to practice nursing in the state of Kansas. Application asks if the applicant has "ever been convicted of a misdemeanor...". Applicant responded "no". Applicant has been convicted of misdemeanors in the state of Michigan. She was convicted in 1998 of an attempt to alter a prescription submitted for additional medication, Lorcet. She pled to a misdemeanor count of Counterfeiting-Identifying Marks. She was sentenced to one year in jail and 24 months of probation. She was also convicted of the misdemeanor crime of malicious destruction of personal property over \$100.00 in 1997 in Michigan.

(d) Applicant failed to report her misdemeanor conviction to the Michigan Board of Nursing when she applied for both her licensed practical nurse license in 1999 and her registered nurse license in 2000. She decided the Michigan criminal conviction for an attempt to alter a prescription in order to obtain additional medication was not drug related and answered "no" to the following question on the Michigan application: "Have you ever been convicted of a misdemeanor involving the illegal delivery, possession, or use of alcohol or a controlled substance (including motor vehicle violations)?"

(e) Applicant did disclose on the Michigan registered nurse application that she has received treatment for substance abuse in the past two years. The Michigan Nursing Board referred her to the Board's non-disciplinary monitoring program for an evaluation. On or about June 27, 2000 Applicant submitted to an evaluation and was diagnosed as cocaine dependent. It was recommended that she participate in intensive outpatient treatment. She was granted a

registered nurse license by the state of Michigan in October 2000. She was required to comply with a monitoring agreement.

(f) On November 3, 2000 she reported she had failed to attend AA meetings and felt overwhelmed by the monitoring program. She was directed to consult with her treating therapist and addictionist for further assessment. On January 8, 2001, Applicant informed the monitoring program that she did not intend to participate in the program any further and discontinued her services with the treating therapist and addictionist.

(g) On or about February 19, 2001 when requested to do a drug screen based upon the suspicion by her employer of her drug use, Applicant refused and stated she would test positive for marijuana. Her employment was terminated. The Michigan Board made several other attempts to gain her compliance with the monitoring agreement but she refused. Applicant's nursing license in Michigan was summarily suspended on July 6, 2001. Her nursing license in Michigan was reinstated in 2004. The records from Michigan do not show that the Applicant ever completed monitoring or treatment for her addiction.

(h) The Kansas Board referred the Applicant to the Kansas Nurse Assistance Program (KNAP) on or about October 3, 2013 for monitoring. Applicant failed to enroll in KNAP as requested by the Kansas Board of Nursing. Her KNAP case was closed on November 4, 2013.

### **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)(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...;

(b) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 30-3-110(s).

(c) 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;

(d) 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...;

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, 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.

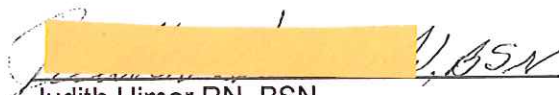
5 The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

**IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**

1. **Applicant's application to endorse is denied.**
2. **Applicant shall not practice nursing in the state of Kansas.**
4. **Applicant shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

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.

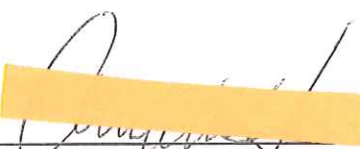
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

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

CERTIFICATE OF SERVICE

I certify that on the 29<sup>th</sup> day of January 2014, 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:

Eveline P. Keisler  
3774 E. 1<sup>st</sup> St.  
Custer, Michigan 49405

  
Alma A. Heckler, #11555  
Assistant Attorney General