

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

**IN THE MATTER OF
JENNIFER L. NEUMAN
License No. Pending LPN Initial Application**

APR 22 2014

KSBN

Case No. 13-864-8

SUMMARY ORDER

Now this 22nd day of April, 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 Licensed Practical Nurse (LPN) Initial Application of Jennifer L. Neuman, (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant filed an initial application on or about May 13, 2013. The Board has jurisdiction over the Licensee and the subject matter of this action.
- (b) Applicant's address of record is 2000 SW McAlister Ave., Topeka, Kansas 66604-3432.
- (c) Applicant has been convicted of Misdemeanor Driving Under the Influence (DUI) in 1996, and two DUI as an adult in 2002, and 2005. Her driver's license was suspended at least four times.
- (d) Applicant is charged in Shawnee County, Kansas District Court with Driving While under the Influence of Alcohol (Second); one count of Possession of Drugs and Drug Paraphernalia; Driving Without a Valid License; Open Container; and Improper Driving on a Laned Roadway. The criminal case Case No. 13 CR 02506 is still pending.
- (e) Applicant was referred to the Kansas Nurse Assistance Program (KNAP) on November 8, 2013 by the Board. Applicant's initial application was not approved at that time and remained pending.
- (f) The Applicant failed to enroll and to complete a drug and alcohol evaluation. Her KNAP case was closed on December 3, 2013.
- (g) Applicant was again referred to KNAP on December 31, 2014 by the Board. Applicant failed to enroll in KNAP again and her KNAP case was closed on February 24, 2014.
- (h) Applicant's initial application is still pending. The Kansas Board requests that the Applicant's initial application for licensure be denied.

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)(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 rehabilitaiton to warrant the public trust...;

(b) K.S.A. 65-1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

(c) 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;

(d) 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. 60-3-110(s).

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.

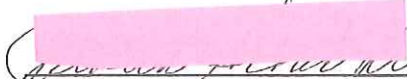
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

- 1. Applicant's initial application 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 date 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.

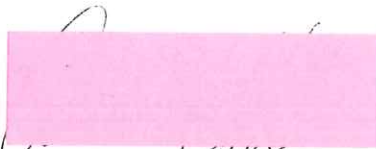
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


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

CERTIFICATE OF SERVICE

I certify that on the 22nd day of April, 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:

Jennifer L. Neuman
2000 SW McAlister Ave.
Topeka, Kansas 66604-3432



Alma A. Heckler, #11555
Assistant Attorney General