

FILED

JUL 24 2014

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
KIMBERLY S. DENGLER
License No. Endorsement Application**

Case No. 14-142-0

SUMMARY ORDER

Now this 24th day of July, 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) Endorsement Application of Kimberly S. Dengler, (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant filed an endorsement application with the Board on or about December 14, 2013.
- (b) Applicant's address of record is 110 W. Sandy Lake Rd., Ste. 102, PMB212, Coppel, Texas 75109.
- (c) Applicant has a felony conviction for possession of marijuana out of Denton County, Texas. She was found guilty of the offense on 1/19/2012 and the charges arose out of an arrest on or about 6/25/2008.
- (d) Applicant admits that she has two deferred probations dismissed after completing the terms of her probation. She was arrested on July 8, 2009 for possession of cocaine. Applicant was also charged with prostitution in 2010. She admitted guilt to both crimes and was placed on deferred probation until she completed the terms of her probation.
- (e) Applicant graduated from a nursing program in June of 2006 in Iowa. She reported that she suffered from depression and took a trip to Texas with a new boy friend. Once in Texas she was arrested for possession of marijuana in Denton County, Kansas. Her life, according to her, fell apart after her arrest for possession of marijuana.
- (f) Applicant seeks a license in Kansas. She had a nursing license in Iowa and still lives in Texas.
- (g) The Kansas Board requests that the Applicant's application for reinstatement 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 rehabilitation 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;

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.

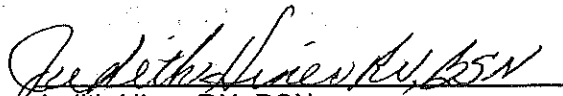
5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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.**
- 3. 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 24th day of July, 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:

Kimberly S. Dengler
110 W. Sandy Lake Rd., Ste. 102, PMB212
Coppell, Texas 75109.



Alma A. Heckler, #11555
Assistant Attorney General