

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

DEC 30 2014

IN THE MATTER OF JANE ANN SPURGEON

KSBN

License No. EDNORSEMENT APPLICANT

Case No. 14-888-0

SUMMARY ORDER

NOW ON THIS 30th day of December, 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 proposed to find facts and take disciplinary action against the endorsement application of Licensee by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Licensee submitted an application for endorsement to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 1525 Ridgewood Ave, Ames IA 50010.
3. On or about 30th day of May, 2014, the Board reviewed this endorsement application.
4. Review of the information gathered by the Board revealed the following information upon which this action is based.
5. According to a report:
 - a. Licensee had disciplinary action in the state of Arizona.
 - b. Licensee failed to assess and transport a 37 week pregnant woman in the emergency department (ED).
 - c. Licensee failed to assess patient with a broken nose that presented in the emergency department (ED).
 - d. A Decree of Censure was issued on the 14th day of November, 2011.

e. Applicant indicated a case is pending with the state of California Board of Nursing.

CONCLUSIONS OF LAW

1. 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 authorization, if the Licensee, licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act. The above fact findings established 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 ... by a licensing authority of another state.
- b. K.S.A. 65-1120(e)(1) to have committed an act of professional incompetency as defined in subsection (e) in one or more instances involving failure to adhere to the applicable standards of care to a degree which constitututes gross negligence, as determine by the board.

Applicant's conduct described herein violated the Kansas Nurse Practice Act and renders the Licensee non-qualified for obtaining his/her license.

- 3 K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the 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 opportunity to participate to persons other than the parties.
- 4 The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

POLICY STATEMENT


1. Having disciplinary actions in multiple states indicates a breach of the public trust
2. Failing to assess patients when presented to the emergency department is failure to provide nursing care and considered gross negligence in the performing of that care.

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

1. **Licensee's application for license to practice nursing in the state of Kansas is denied.**

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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.

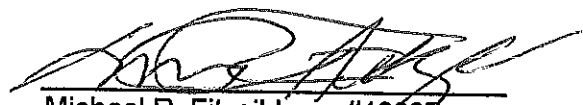
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


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

CERTIFICATE OF SERVICE

On the 30th day of December, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Jane Ann Spurgeon
1525 Ridgewood Ave
Ames, IA 50010


Michael R. Fitzgibbons #12287
Assistant Attorney General