

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

FILED
DEC 01 2016
KSBN

IN THE MATTER OF
Stephanie N. Jacobson

OAH No. 13BN0050

License No. 13-118433-051
Case No. 11-1708-9

NOTICE OF PROPOSED DEFAULT ORDER
AND
PROPOSED DEFAULT ORDER

This matter comes on for consideration by the presiding Administrative Law Judge (ALJ) to enter a Proposed Default Order against respondent, Stephanie N. Jacobson.

Wherefore, the presiding ALJ finds as follows:

1. The respondent is licensed to practice nursing in Kansas.
2. The Petitioner, the Kansas State Board of Nursing Board (Board), has jurisdiction over the respondent and the subject matter of this action.
3. On September 28, 2016, a Motion to Lift Stay and to Revoke Respondent's License was filed by the Board. It was sent to the respondent at her last known address.
4. On September 28, 2016, a Notice of Prehearing Conference was sent to the respondent. The conference was scheduled for November 29, 2016 at 9:00 a.m. It was sent to the respondent at her last known address.
5. On November 29, 2016, a prehearing conference was convened. The Board appeared by disciplinary counsel, Bryce D. Benedict. The respondent did not appear in person or by phone.
6. Pursuant to Kansas Statutes Annotated (K.S.A.) 77-520(a), "[i]f a party fails to attend or participate in a prehearing conference, hearing or other

stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order.”

7. The respondent is in default pursuant to K.S.A. 77-520.
8. This Proposed Default Order shall become effective and deemed an initial order, seven days after service or ten days after mailing of this order unless the respondent files a written motion stating why the Proposed Default Order should be vacated and the order is then vacated. A motion to vacate shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka KS 66612-1230, with a copy to be mailed or personally delivered to: Sandra L. Sharon, Administrative Law Judge, Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, KS 66612-1327.
9. If this Proposed Default Order becomes effective, the allegations contained in the Petition will be deemed uncontroverted and the Petition will be granted and incorporated into this order as if fully set forth herein. The respondent's license to practice nursing will be revoked. The respondent will immediately forward his or her original Kansas nursing license to the Board.
10. In addition, costs of the action in the amount of \$100.00 will be assessed to the respondent to be paid to the Board by cashier's check or money order within 30 days of the effective date of this order.

The presiding ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the respondent. It shall take effect as specified in the above findings.

IT IS SO ORDERED.

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-520, if the proposed default order becomes effective, it is deemed an initial order, as set forth above. Pursuant to K.S.A. 77-527, either party may request review of the initial order by filing a petition for review with the Kansas State Board of Nursing within 15 days from date the order is deemed an initial order. Failure to timely request review may preclude further judicial review. Petitions for review shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka, KS 66612-1230.

If neither party requests review, the initial order becomes a final order and is binding on the 30th day following its mailing.

A party may seek judicial review of a final order by filing a petition for judicial review pursuant to K.S.A. 77-601, *et seq.* Reconsideration of a final order is not a prerequisite to judicial review. A copy of any petition for judicial review shall be served on Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.



Sandra L. Sharon
Administrative Law Judge
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612-1327

CERTIFICATE OF SERVICE

On Nov. 30, 2016, I mailed this original document through State Building Mail to:

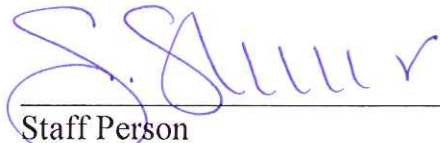
Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Bryce D. Benedict
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-2512

And a copy of this document through first class mail to:

Stephanie Jacobson
P.O. Box 239
McPherson, KS 67460



Staff Person
Office of Administrative Hearings

FILED

SEP 28 2016

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
STEPHANIE N. JACOBSON**

OAH no. 13BN0050

License No 13-118433-051

Case No. 11-1708-9

**MOTION TO LIFT STAY
AND TO
REVOKE RESPONDENT'S LICENSE**

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Bryce D. Benedict, and for its cause of action states that:

1. Respondent, Stephanie Jackson, is licensed to practice nursing in Kansas. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is P.O. Box 239, McPherson KS 67460.
3. The respondent on or about March 12, 2013 entered into a Consent Agreement And Final Order. The terms of the Consent Agreement required the respondent to provide eight quarterly reports to the Board, and to enter KNAP.
4. The respondent has failed to provide the required quarterly reports.
5. The respondent entered KNAP, but her case was closed for non-compliance on or about March 26, 2015.
6. The respondent then on or about September 2, 2015 entered into an Addendum to the Consent Agreement And Final Order previously entered in this matter.
7. The Addendum incorporated the terms of the Consent Agreement And Final Order. The terms of the Addendum required the respondent to re-enter KNAP
8. On or about December 4, 2015 KNAP mailed respondent an agreement for her to sign to re-enroll in KNAP. That mailing was returned indicating the respondent had moved with no forwarding address.

9. Pursuant to the Consent Agreement and the Addendum the respondent stipulated to the following facts and violations of the Kansas Nurse Practice Act:

FACTS

- (a) Respondent initially requested licensing and due to her multiple alcohol related driving incidents had a direct referral to KNAP.
- (b) Respondent entered into three (3) year KNAP Agreement on the 10th of February, 2012.
- (c) According to the report, it is alleged that during March, 2012 and April 2012, Respondent was non compliant with the contract with KNAP.
- (d) Respondent failed to submit proof of attendance of 12 step meeting attendance.
- (e) Further, Respondent failed to submit random UDS as required by agreement.
- (f) Respondent signed a "Last Chance Agreement" with her employer on June 5th, 2012 to stay compliant with KNAP Agreement.
- (g) On June 8th, 2012, Respondent tested positive for drugs.
- (h) Respondent was terminated from her employment.
- (i) Respondent entered into a Consent Agreement with KSBN on the 12th day of march 2013.
- (j) Respondent was non-compliant with the terms of her KNAP agreement.
- (k) KNAP closed respondent's case on March 26, 2015.

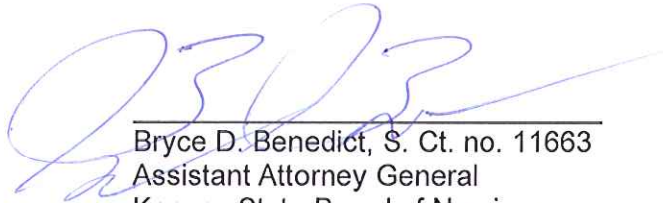
VIOLATIONS

K.S.A. 65-1120(a)(7) and KAR 60-3-110, willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program .

10. In addition to the above violation the respondent has committed a second violation of K.S.A. 65-1120(a)(7) and KAR 60-3-110 by again failing to complete the impaired provider

program, and she has violated K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to comply with any disciplinary order of the Board.

THEREFORE it is requested that the respondent's license to practice nursing be revoked, and costs assessed to the respondent.



Bryce D. Benedict, S. Ct. no. 11663
Assistant Attorney General
Kansas State Board of Nursing
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Topeka, KS 66612
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bryce.benedict@ksbn.state.ks.us

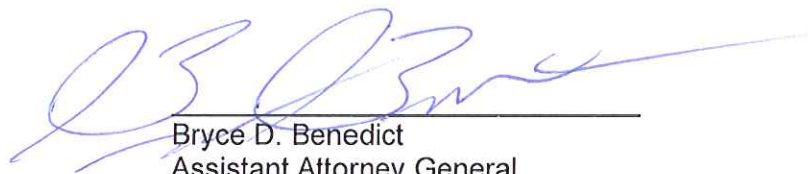
CERTIFICATE OF SERVICE

On the 27th day of September, 2016, I mailed a copy of this MOTION TO LIFT STAY AND TO REVOKE RESPONDENT'S LICENSE to:

Stephanie N. Jacobson
P.O. Box 239
McPherson KS 67460

and by building mail to:

Sandra L. Sharon
Administrative Law Judge
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612



Bryce D. Benedict
Assistant Attorney General