

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

FILED

MAR 28 2007

IN THE MATTER OF
DARLINA M. SARGENT
License No. 23-030317-012

KSBN
Case No. 06-087-5
OAH No. 07BN0015

ORDER DENYING MOTION TO VACATE

NOW ON THIS 27th day of March, 2007, petitioner appears by Mark A. Knight, disciplinary counsel for the Petitioner, Kansas State Board of Nursing. A proposed default order was granted January 23, 2007, after respondent failed to appear for a hearing. Respondent was mailed a copy of that order and respondent timely filed a motion to vacate that order. Respondent's motion was set for a hearing on this date and respondent was mailed notice of this hearing to the last known address. Respondent does not appear to argue the motion. At Petitioner's request, Respondent's motion to vacate is denied. The default order previously mailed to Respondent is affirmed and is effective on the date that Petitioner mails a copy of this order to Respondent.

Sandra L. Sharon, Presiding Officer

STATEMENT OF AVAILABLE REMEDIES FOR ADMINISTRATIVE AND JUDICIAL REVIEW

The procedures available and time limitations for seeking reconsideration or other relief are as follows:

Any party, within fifteen (15) days after service of a final order, may file a petition for reconsideration with Executive Director Mary Blubaugh, 900 S.W. Jackson, Ste. 1051, Topeka, Kansas 66612. The petition for reconsideration shall state the specific grounds upon which the reconsideration is requested. The filing of the petition is not a prerequisite for seeking judicial review.

A person may seek judicial review of this Final Order in accordance with the Act for the Judicial Review and Civil Enforcement of Agency Actions (K.S.A. 77-601 et seq.) by filing a petition for judicial review in the district court within thirty (30) days after service of this order pursuant to K.S.A. 77-613. The agency officer designated to receive service of process is Executive Director Mary Blubaugh, 900 S.W. Jackson, Ste. 1051, Topeka, Kansas 66612.

CERTIFICATE OF SERVICE

On the 28th day of March, 2007, I deposited a copy of this ORDER DENYING
MOTION TO VACATE with the United States Postal Service, postage pre-paid, addressed to:

Darlina M. Sargent
P.O. Box 48653
Wichita, KS 67202

Mark A. Knight, #12183
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING

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Topeka, Kansas 66612-1230

FILED

JAN 23 2007

KSBN

**IN THE MATTER OF
DARLINA M. SARGENT
License No. 23-030317-012**

**Case No. 06-087-5
OAH No. 07BN0015**

PROPOSED DEFAULT ORDER TO DENY LICENSE

NOW ON THIS 23rd day of January, 2007, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Mark A. Knight, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent was licensed as a licensed practical nurse through January 31, 2006. Respondent submitted a Reinstatement Application to the Board on or about February 16, 2006. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order denying the respondent's license. The petitioner's request is granted by default.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is denied. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.

Sandra L. Sharon, Presiding Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at:

State Board of Nursing - Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230

Mark A. Knight, #12183
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 23rd day of January, 2007, the foregoing copy of the Proposed Default Order To Deny License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Darlina M. Sargent
P.O. Box 48653
Wichita, KS 67202

Mark A. Knight
Assistant Attorney General



FILED
SEP 26 2006
KSBN

KANSAS STATE BOARD OF NURSING
MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

September 26th, 2006

Darlina M. Sargent
P.O. Box 48653
Wichita, KS 67202

Case No. 06-087-5
License No. 23-030317-012

SUMMARY ORDER

Dear Ms. Sargent:

The Disciplinary Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a licensed practical nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) On or about 9/1/2005 applicant was convicted of Criminal Threat, K.S.A. 21-3419, a level 9 Person Felony, in Sedgwick County, Kansas District Court case number 2005-CR-000555. The Criminal Threat conviction arose out of an incident that took place on or about 3/3/2005.
- (b) Pursuant to K.S.A. 65-1120(a)(2), no license, certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto.
- (c) On or about 9/1/2005 applicant was convicted of Criminal Restraint, K.S.A. 21-3424, a class A Misdemeanor, in Sedgwick County, Kansas District Court case number 2005-CR-000555. The Criminal Restraint conviction arose out of an incident that took place on or about 3/3/2005.
- (d) On or about 1/31/2006 applicant's license to practice nursing in the state of Kansas lapsed. Applicant continued to work at Afford-a-Care as an LPN through 2/10/2006. Afford-a-Care is located in Kansas.
- (e) On or about 2/16/2006 applicant submitted an application for reinstatement of her Kansas nursing license to the Kansas State Board of Nursing.

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

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Voice 785-296-4929 Fax 785-296-3929 www.ksbn.org

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 convicted of a felony for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto.
 - (b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (v), practicing without a license or while the license has lapsed.
3. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application in whole or in part.
 4. Your conduct described herein violates the Kansas Nurse Practice Act.
 5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
 6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.
 7. 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

Tamara Hutchison, R.N., B.S.N.
Member, Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 26th day of September, 2006, 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:

Darlina M. Sargent
P.O. Box 48653
Wichita, KS 67202



Mark A. Knight, #12183
Assistant Attorney General