

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

**FILED**

**OCT 04 2011**

**IN THE MATTER OF  
JENNIFER E. SANDELL  
License No. 23-031117-092**

**KSBN**

**Case No. 05-286-6, 07-105-6**

**PROPOSED DEFAULT ORDER TO DENY LICENSE**


NOW ON THIS 04th day of October, 2011, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, 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 3/8/2008. Her license was revoked. Respondent submitted a Reinstatement Application to the Board on or about March 17, 2011. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice, and a prehearing order with notice of this hearing, to respondent's last known address and service is proper. Respondent was informed in the notice of hearing, Respondent must call or contact the Board prior to the hearing to participate by phone. Respondent did not contact the Board or the Presiding Officer prior to the hearing date and time. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order denying the respondent license to practice nursing in the state of Kansas. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
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 application 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. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.
8. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
9. 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  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

#### NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30<sup>th</sup> day following its service.

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

  
Alma A. Heckler, #11555  
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 4th day of October, 2011, 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:

Jennifer E. Sandell  
428 N. Pine Place  
Winfield, Kansas 67156



Alma A. Heckler  
Assistant Attorney General

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**IN THE MATTER OF  
JENNIFER E. SANDELL  
License No. 23-031117-092**

**Case No. 05-286-6, 07-105-6**

**PETITION**

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

1. Respondent's address of record is 428 N. Park Place, Winfield, KS 67156.
2. On March 28, 2011 the Board issued a Summary Denial of respondent, Jennifer E. Sandell's, applicant for reinstatement of license as a licensed practical nurse (LPN). The respondent filed a timely appeal. The Board has jurisdiction over the respondent and the subject matter of this action.
3. On February 26, 2008, respondent's license was revoked by default after a finding that respondent had violated K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n); K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol; K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d); and K.S.A. 65-1120(a)(6) [REDACTED]

[REDACTED] K.A.R. 30-3-110 (s)

The Board has jurisdiction over the respondent and the subject matter of this action.

4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.

5. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

**FACTS COMMON TO ALL COUNTS**

6. Respondent was previously licensed to practice nursing in the state of Kansas. Applicant's license to practice nursing in the state of Kansas as a LPN was revoked on or about February 26, 2008. Respondent submitted an application for reinstatement of Respondent's license to practice nursing in the state of Kansas on March 17, 2011. The Board has jurisdiction over the Respondent and the subject matter of this action.

7. Respondent's license to practice nursing was revoked for the following reasons on February 28, 2008:

(a)

[REDACTED] An investigative case was opened, Case No. 05-286-6. The facts are as follows: on 3/22/05, the Respondent admitted to a board investigator with the Kansas Board of Nursing to diversion of Loratabs from a patient and an illegal purchase of Loratabs from a friend. Respondent reported she had a prescription for Morphine but continued to use Morphine after her own prescription ran out. [REDACTED]

[REDACTED]

[REDACTED]

(b) In Case 07-105-6, the Kansas Board of Nursing was notified by KNAP, by letter dated 12/5/06 that a UDS collected from the Respondent on 11/28/06 had low creatinine and was not considered a valid sample. The Respondent's employer, Good Samaritan Village in Winfield, Kansas reported the Respondent had diverted three (3) Loratab and one Oxycontin from patients. The Respondent admitted the diversion and

admitted to ingesting the drugs on 12/31/2006. [REDACTED]

[REDACTED] Respondent was terminated from Good Samaritan Village.

(c) On 1/2/07 Respondent reported she had sought treatment. Respondent, also, admitted to daily drug use and her inability to stop. Respondent reported her primary drug of choice is opiates and her substance of choice is Morphine. She reported she began using Morphine at age 20. She also reported she had gone on a Cocaine binge for a week or two prior to Christmas 2006.

(d) [REDACTED]

(e) Board filed a petition to revoke Respondent's license and Respondent failed to appear on 2/28/2008. Petition was granted by default.

(f) Respondent files for reinstatement but shows no history of treatment since her license was revoked and [REDACTED]

8. K.S.A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found to have violated:

K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

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

K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d).

K.S.A. 65-1120(a)(6), unprofessional conduct, [REDACTED]

9. Per *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991), the factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made are the following:


- The present moral fitness of the petitioner;
- The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
- The extent of petitioner's rehabilitation;
- The nature and seriousness of the original misconduct;
- The conduct subsequent to discipline;
- The time elapsed since the original discipline;
- The petitioner's character, maturity, and experience at the time of the original revocation;
- The petitioner's present competence in medical skills.

WHEREFORE, petitioner requests that respondent prove that respondent's license should be reinstated with conditions or that respondent's application be denied and that the costs of this action shall be assessed to respondent.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By:

  
Alma A. Heckler, #11555  
Assistant Attorney General