

BEFORE THE KANSAS STATE BOARD OF NURSING  
Landon State Office Building  
900 S.W. Jackson, Suite 551  
Topeka, Kansas 66612-1256  
(913)296-4929

In the Matter )

of )

Case No. 92-046-5

REBECCA L. SHIELDS MORGAN )  
Lic. No. 23-011510-011 )

MAY 05 1992 - 6157

INITIAL ORDER

This matter comes on for hearing this 21st day of April, 1992, before the board's duly appointed presiding officer, Helen R. Rice, R.N., J.D. Also present is Theresa Marcel Nuckolls, Assistant Attorney General, general counsel to the presiding officer. Petitioner appears by and through Carol R. Bonebrake, Assistant Attorney General, as disciplinary counsel to the board. Respondent appears personally.

Respondent offers no objection to form or filing of the petition in this matter, to the notice of time and place of this hearing, to the service upon her, or to the board's authority or jurisdiction to hear the case before it. Respondent is sworn in and offers testimony on her behalf. Upon inquiry from the presiding officer, the respondent states in sworn testimony that she received a copy of the petition and notice, that she understands her options, and that she wishes to offer no contest

to the facts set forth in the petition. The presiding officer accepts respondent's offer of no contest. Respondent's exhibit no. 3 and state's exhibit no. 1 are admitted into evidence in this matter by stipulation of the parties.

WHEREUPON due deliberation and consideration of the evidence and record in this matter, the presiding officer does hereby and make and enter the following findings of fact, conclusions of law, and order:

FINDINGS OF FACT

1. The respondent has been entitled to practice as a licensed practical nurse (LPN) in the state of Kansas, having previously been issued license no. 23-011510-011, said license having an expiration date of January 31, 1991.
2. On February 27, 1992, respondent submitted to the board an LPN reinstatement application, together with a copy of her marriage certificate and CEU certificates.
3. Respondent was served a copy of the petition in this matter and notice of this April 21, 1992 hearing, on April 14, 1992.
4. Respondent states at this hearing that she waives objection to notice outside the ten day requirement set forth in the Kansas Administrative Procedures Act.
5. Respondent states, in sworn testimony, that she understands her options before this presiding officer and states

that she wishes to offer no contest to the facts set forth in the petition in this matter.

6. The presiding officer accepts the respondent's offer of no contest to the facts set forth in the petition in this matter.

7. The facts set forth in the petition in this matter are hereby incorporated in this order as though fully set forth herein.

8. Respondent changed the expiration date on her license and continued to work as a licensed nurse after the expiration of license.

9. Respondent did not obtain the requisite continuing education hours for relicensure but continued to work as a nurse after her license had expired.

#### CONCLUSIONS OF LAW

1. The board, through its duly appointed presiding officer, has jurisdiction over this matter, the license application of the respondent, and the respondent.

2. Respondent voluntarily and knowingly offers no contest to the facts set forth in the petition and the facts therein are deemed true.

3. K.S.A. 1991 Supp. 65-1120(a)(1) permits the board to deny, suspend or revoke a license to practice nursing upon a finding that the respondent has been guilty of fraud or deceit in the practice of nursing.

4. The respondent has violated K.S.A. 1991 Supp. 65-1120(a)(1), as evidenced by her alteration of the expiration date of a license to practice nursing, and her continuing practice after the lapse of such expired license.

5. K.S.A. 1991 Supp. 65-1120(a)(6), as defined by K.A.R. 60-3-110(a)(2), permits the board to deny, suspend or revoke a license to practice nursing upon a finding that an individual has assumed duties and responsibilities within the practice of nursing without adequate preparation or when competency has not been maintained.

6. The respondent is guilty of violating K.S.A. 65-1120(a)(6), as defined by K.A.R. 60-3-110(a)(2), and has failed to maintain competency while continuing to practice nursing.

7. K.S.A. 1991 Supp. 65-1120(a)(7) permits the board to deny, suspend or revoke a license to practice nursing upon a finding that an individual has willfully violated a provision of the nurse practice act (NPA).

8. K.S.A. 65-1122(d) is part of the NPA and prohibits the practice of nursing without a current license.

9. Respondent willfully engaged in the practice of nursing after she knew her license to practice had expired and did therefore willfully violate the provisions of K.S.A. 65-1122(d) and K.S.A. 1991 Supp. 65-1120(a)(7).

10. The uncontested facts set forth in the petition in this matter establish sufficient legal grounds to take action against respondent's license.

11. Continuing education requirements promote and help ensure the maintenance of competency to practice; courses offered on nursing ethics or nursing legal issues assist nurses in maintaining competency to practice.

IT IS THEREFORE HEREBY DECREED AND ORDERED that:

1. The respondent's application for reinstatement of license is GRANTED;

2. The respondent's license is SUSPENDED for six (6) months;


3. This suspension of respondent's license is STAYED, conditioned upon respondent's obtaining six hours of continuing education on nursing ethics and/or nursing legal issues; such hours must be obtained by the respondent on before the expiration of the six month suspension herein provided for; such hours shall be included as part of the total continuing education hours required for renewal of licensure.

IT IS SO ORDERED this 30<sup>th</sup> day of April, 1992.

Notice Regarding Relief From This Order

This is an Initial Order. The party against whom this initial order was issued may file a petition for review with the agency head within fifteen (15) days after service of this

order. This petition for review must state its basis. Unless a later date is stated in an initial order, a stay is granted, or the order is reviewed, an initial order shall become a final order without further notice or proceedings thirty (30) days after the date of service, as indicated by the attached Certificate of Service.

  
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Helen R. Rice, R.N., J.D.  
Presiding Officer

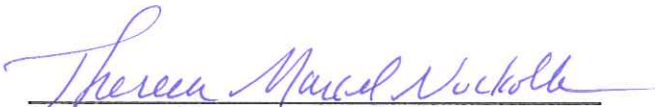
CERTIFICATE OF SERVICE

I certify that on the 7<sup>th</sup> day of May, 1992, a copy of the foregoing INITIAL ORDER was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Rebecca L. Shields  
Rt. 2, Box 236  
Douglass, Kansas 67039

and hand-delivering a copy to:

Carol R. Bonebrake  
Assistant Attorney General  
Kansas Judicial Center, 2nd Floor  
Topeka, Kansas 66612

  
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Theresa Marcel Nuckolls  
Assistant Attorney General