

expired May 31, 1993, in violation of the Kansas Nurse Practice Act, specifically K.S.A. 65-1120(a)(7), though 65-1114, practicing nursing in Kansas without a license. Further, Respondent was licensed on July 8, 1993, with the understanding that she would enter into an agreement to pay a fine for unlicensed practice during the month of June. To date, no agreement has been signed, nor any money received by the Board as payment of the fine.

Petitioner moves for admission of Petitioner's Exhibit's #1 and #2. EXHIBIT #1 is the LPN Reinstatement Application submitted by Respondent to the Board on June 28, 1993. Petitioner's EXHIBIT #2 is a letter from a representative of Sunset Home, Concordia, Kansas, listing eight (8) days in June of 1993 in which Respondent practiced as an LPN at their facility, after the May 31, 1993 expiration of her license. All of Petitioner's exhibits are admitted.

Whereupon the Petitioner requests that the Hearing Officer issue a Default Order pursuant to K.S.A. 77-520 and adopt the allegations contained in the Petition to Deny Reinstatement as the findings of fact in this case.

Based on the exhibits and matters presented, the Hearing Officer makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Notice of Hearing and Petition in this matter was mailed to the Respondent by placing such notice in the United States Mail, first class, postage prepaid, to her at 609 W. 7th,

Concordia, Kansas, 66901, on February 25, 1994. Notice was mailed more than ten (10) days prior to the hearing date.

2. Respondent was issued license number 23-013902-051 to practice as a licensed practical nurse (L.P.N.) in the State of Kansas. This license expired May 31, 1993.

3. On or about June 28, 1993, Respondent submitted an Application for Reinstatement (EXHIBIT No. 1) of her license. Said license was granted July 8, 1993 with the understanding Respondent would pay an administrative fine for her unlicensed practice. To date no fine has been received.

4. Respondent's answers on said application (EXHIBIT No. 1) indicate Respondent worked as an L.P.N. after her license expired.

5. Respondent practiced nursing in Kansas on eight (8) occasions during June, 1993, without a license, as identified in EXHIBIT No. 2.

6. Respondent does not appear at this hearing and no notice has been received from the Respondent indicating her absence.

CONCLUSIONS OF LAW

1. The Board and this Hearing Officer has jurisdiction to hear this matter pursuant to K.S.A. 65-1113, et seq.

2. This Board has jurisdiction over the Respondent as a licensee of the Board.

3. The Hearing Officer, by designation of the Board, has the authority to issue disciplinary action against the Respondent's license to practice as a licensed practical nurse (L.P.N.) in Kansas, according to the Kansas Administrative Procedures Act,

K.S.A. 77-501, et seq.

4. Notice of the proceedings and service of the notice were done in accordance with requirements of the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq., and the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and therefore, are found to be proper.

5. K.S.A. 65-1120(b) authorizes the Board to conduct all proceedings in accordance with the provisions of the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

6. Respondent violated the Kansas Nurse Practice Act K.S.A. 65-1120(7) through K.S.A. 65-1114, by practicing nursing without a license.

7. The Board and the Hearing Officer by the Board's designation has the authority to issue proposed default orders pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.


8. Respondent does not appear and is found to be in default in these proceedings.

9. The Petitioner has presented sufficient evidence to find Respondent violated the Nurse Practice Act.


ORDER

Based upon the Findings of Fact and Conclusions of Law, **It Is Ordered** that the license of Paula Bray is hereby revoked. Respondent may not practice as a nurse in the state of Kansas.

IT IS SO ORDERED


Helen R. Rice
Hearing Officer

PREPARED AND SUBMITTED BY:


Mark S. Braun
Assistant Attorney General
Disciplinary Counsel
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
(913) 296-8401

NOTICE REGARDING THIS PROPOSED DEFAULT ORDER

This is a Proposed Default Order. The party against whom it is issued may file a written motion with seven (7) days after service, requesting that the Proposed Default Order be vacated and stating the grounds relied upon.

The Proposed Default Order shall become effective after expiration of the time within which the party may file a written motion to vacate the Order is filed with the agency within such time.

Upon receipt of a motion to vacate a Proposed Default Order, the Presiding Officer shall either vacate the Proposed Order or issue the Default Order as proposed. If the Hearing Officer issues a Default Order as proposed, the Order shall become effective upon service.

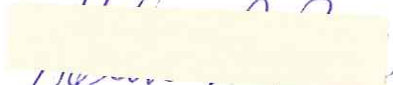
CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Proposed Default Order was served by depositing same in the United States Mail, first class postage prepaid, this 25th day of March, 1994, to:

Paula Bray
609 W. 7th
Concordia, Kansas 66901

And by hand delivering a copy of same to:

Mark S. Braun
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Room 551-S
Topeka, Kansas 66612


Helen R. Rice
Hearing Officer

Mark S. Braun, #12/95
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING
LANDON STATE OFFICE BUILDING
900 S.W. JACKSON, #551-S
TOPEKA, KANSAS 66612-1230

IN THE MATTER)

OF)

Case No: 93-0203-3

PAULA BRAY)
23-013902-051)



PETITION

COMES NOW the Petitioner, the Kansas State Board of Nursing by and through its Disciplinary Counsel, Assistant Attorney General Mark S. Braun, and initiates these proceedings under the provisions of K.S.A. 65-1120, and for its cause of action, alleges and states:

1. The Kansas State Board of Nursing, hereinafter referred to as the "Board," received information, conducted an investigation, and has determined there are reasonable grounds to believe respondent has committed acts in violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

2. The Board has requested the office of the Attorney General to prosecute this action. Robert T. Stephan is the duly elected and acting Attorney General for the State of Kansas.

3. Respondent's mailing address last known to the Board is 609 W 7th, Concordia, Kansas 66901.

4. Respondent is or has been entitled to practice as a licensed practical nurse in the State of Kansas, having been issued License No. 23-013902-051, having an expiration date of May 31, 1995.

5. Since the issuance of the license, Respondent has committed acts in violation of K.S.A. 65-1113, et seq., as follows:

FACTUAL BASIS

Respondent's license to practice as an LPN expired May 31, 1993. On or about June 28, 1993, Respondent submitted an application for reinstatement of her LPN license. Said license was reinstated after checking and approving her continuing education and other requirements. On or about July 6, 1993, the Board of Nursing was advised Respondent practiced as an LPN for eight days in Kansas in June, 1993 while she did not have license to practice nursing in Kansas.

COUNT I


During eight (8) days in June, 1993, Respondent violated the Kansas Nurse Practice Act, specifically K.S.A. 65-1120(a)(7), through 65-1114, practicing nursing in Kansas without a license.

WHEREFORE, Petitioner prays the Board serve the Respondent with a copy of this Petition and a copy of a Notice of Hearing as required by law. Petitioner further prays that upon evidence presented at the hearing, the Board make findings and

conclusions that respondent has committed act in violation of the Kansas Nurse Practice Act, and that the Board take and impose such disciplinary action as it shall deem just and proper.

Respectfully submitted,

ROBERT T. STEPHAN
Attorney General



#12795 Mark S. Braun
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 S.W. Jackson, #551-S
Topeka, Kansas 66612-1230
913/296-8401

Attorney for Petitioner

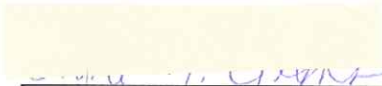

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing NOTICE OF HEARING AND PETITION WERE SERVED BY DEPOSITING same in the United States mail, first class postage prepaid, this 25th day of February, 1994, to:

Paula Bray
609 W 7th
Concordia, Kansas 66901

and by hand delivering a copy to:

Mark S. Braun, Disciplinary Counsel
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230

Diane M. Glynn, J.D., R.N.
Practice Specialist