

has the right to be represented by an attorney in these proceedings, if she chooses to obtain one. Petitioner states she is aware of this right, but she is waiving that right and wishes to proceed without counsel. The Hearing Officer informs the Petitioner that the Board, through the Hearing Officer, has the authority to grant, deny, suspend, limit or take other action against the her or her license. The Petitioner states that she understands.

The Hearing Officer asks both sides if they are ready to proceed. Both sides indicate they are ready. The Hearing Officer inquires of the Respondent if there is any reason that the Petitioner should not be granted her license. Respondent states that the Petitioner's license expired May 31, 1993, and that the Petitioner failed to timely renew her license. However, Petitioner continued to practice as an L.P.N. during June, 1993 without a license. The Petitioner was offered an informal administrative fine agreement for the unlicensed practice, but never responded to the offer.

The Hearing Officer inquires of the Petitioner if she understands the nature of the violation alleged by the Respondent. The Petitioner states she understands and admits that she practiced during June, 1993 without a license.

Based upon the statements of the Parties, the Hearing Officer makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Based upon the undisputed statements of the parties, the above statements of the parties are adopted as facts in this case.

2. The Notice of Proceedings and Petition in this matter were sent to the Respondent at her last address known to the Board by first class mail on May 11, 1995.

3. Respondent has been advised of her right to counsel and voluntarily waived that right.

4. Respondent, after explanation of her options, admitted to the violation stated in the Petition.

5. Respondent submitted an application for reinstatement of her L.P.N. license in may, 1995.

6. The Respondent violated the Kansas Nurse Practice Act as a matter of fact by practicing nursing in the State of Kansas without a license.

CONCLUSIONS OF LAW

1. The Board and this Hearing Officer have jurisdiction to hear this matter pursuant to the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., and the Kansas Administrative Procedures Act, K.S.A. 77- 501 et seq. Respondent stipulates to such jurisdiction.

2. The Respondent has been advised of her right to counsel and has knowingly and voluntarily waived that right.

3. The Respondent has been properly served in this matter pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

4. The Board, and by designation the Hearing Officer, have the authority, after a finding of a violation of the Nurse Practice Act, to impose any of the disciplinary sanctions identified in K.S.A. 65-1120 and K.S.A. 74-1110 against the Respondent's license to practice nursing in the State of Kansas.

5. K.S.A. 65-1120(b) requires these proceedings of the Board to be conducted pursuant to the Kansas Administrative Procedures Act, K.S.A. 77-501 et seq.

6. Based on Respondent's admission, Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., specifically K.S.A. 65-1120(a)(7), by willfully and repeatedly violated the provisions of the Kansas Nurse Practice Act, specifically 65-1114(a)(3), by practicing practical nursing in Kansas without a license to do so.

ORDER

Based on the above findings of fact and conclusions of law, IT IS THEREFORE ORDERED pursuant to the disciplinary remedies available under K.S.A. 65-1120(a), the following disciplinary action shall be taken:

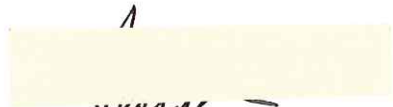
A. Respondent's application for reinstatement of her license is hereby granted. Respondent is hereby **Publicly Censured** for having violated the Nurse Practice Act as provided for by K.S.A. 65-1120(a).

B. Respondent is hereby assessed an administrative fine in the amount of forty (\$40.00) dollars. Respondent shall pay that amount by money order or cashier's check made payable to the **State**


of Kansas, and delivered to the Board of Nursing on or before September 30, 1995.

C. Respondent is hereby assessed twenty-five (\$25.00) dollars in costs in this matter. Said amount shall be paid by money order or cashier's check made payable to the Board of Nursing, and delivered to the Board of Nursing on or before September 30, 1995.

IT IS SO ORDERED.


Terry E. Beck
Hearing Officer

Prepared and Submitted by:


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Disciplinary Counsel
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NOTICE REGARDING RELIEF FROM THIS ORDER
STATEMENT OF APPEAL RIGHTS

This is an Initial Order. The parties to whom this Initial Order is issued may file a petition for review with the Agency Head within fifteen (15) days after service of this order. The petition for review must state the specific grounds upon which relief is requested. Unless a later date is stated within the 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.


CERTIFICATE OF SERVICE

This is to certify that on the 7th day of August, 1995, I deposited a true and correct copy of the Initial Order in the United States Mail, first class mail, postage prepaid to the following:

Paula Bray
609 W. 7th Street
Concordia, Kansas 66901

and by hand delivery to:

Mark S. Braun
Assistant Attorney General
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230



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