

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

**IN THE MATTER OF
Donna Mosby**

**License No. 23-15620-101
Case No. 14-1795-9**

EFFECTIVE AS A
FINAL ORDER

DATE: 12-2-2016

SUMMARY ORDER

The above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against the nurse license of Donna Mosby, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

1. a. Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
- b. Licensee's address of record is 1021 Main Street, Americus KS 66835.
2. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
3. 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 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. Pursuant to K.S.A. 74-1110 the Kansas State Board of Nursing may also assess a civil fine not to exceed \$1,000.00 for the first violation of a law or rule and regulation applicable to the practice for which such person has been granted a license.
4. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Applicant violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
5. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

FINDINGS OF FACT

6. (a) Licensee entered into a Diversion Agreement with the Kansas State Board of Nursing on December 31, 2015, in which she agreed to be referred to KNAP, and in which she

stipulated that:

- (a) On or about October 28, 2013 she was arrested and charged with possession of methamphetamine with intent to distribute, and possession of paraphernalia in the form of two glass pipes.
- (b) Criminal charges were filed against her in the District Court of Lyon county, Kansas, in case no. 13 CR 499.
- (c) On or about April 18, 2014 she was convicted of possession of methamphetamine with intent to distribute, a felony, and possession of paraphernalia, a misdemeanor.
- (d) On or about April 18, 2014 she was placed on probation for a term of eighteen months.
- (e) On or about July 19, 2014 she violated her probation by using methamphetamine, and was sentenced to 24 hours in jail.
- (f) She failed to report her convictions to the Kansas Board of Nursing.
- (g) She violated (1) KSA 65-1120(a)(2) to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense; and (2) KSA 65-1117 and KAR 60-3-113 failure to timely report convictions.

7. On or about April 4, 2016 the licensee's participation in KNAP was terminated due to her refusal to return her KNAP agreement.

VIOLATIONS

8. The above fact findings establish evidence that the Licensee violated the provisions of the Kansas Nurse Practice Act recited in subparagraph (g) above, and in addition she has violated K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to complete the requirements of the impaired provider program of the Board.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

- 1. Licensee's license is revoked.**
- 2. Licensee shall not practice nursing in the state of Kansas.**

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, this Summary Order becomes effective as a final order, without further notice, upon the expiration of the time for requesting a hearing. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

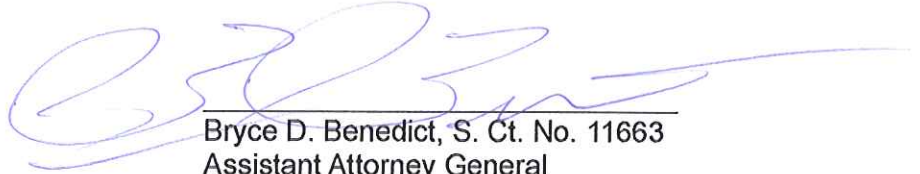


Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 27th day of October, 2016, 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:

Donna Mosby
1021 Main Street
Americus KS 66835



Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General

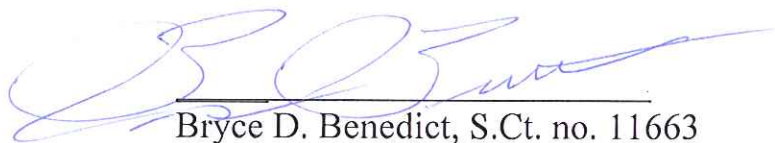
FINAL ORDER NOTICE OF RIGHTS

PLEASE TAKE NOTICE that this is a Final Order. A Final Order is effective upon service. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition must be filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka KS 66612.

CERTIFICATE OF SERVICE

I certify that on the 21 day of December, 2016, a copy of the Final Order and Final Order Notice of Rights was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Donna Mosby
1021 Main Street
Americus KS 66835



Bryce D. Benedict, S.Ct. no. 11663
Assistant Attorney General