

FILED

AUG 11 2014

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
CYNTHIA J. LOVELAND
License No. 23-16120-062(Reinstatement)**

Case No. 14-874-5

SUMMARY ORDER

Now this 11th day of August, 2014, 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 Licensed Practical Nurse (LPN) Reinstatement Application of Cynthia J. Loveland, (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant let her LPN nursing license lapse. She filed a reinstatement application on or about May 21, 2014. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Applicant's address of record is 3615 N. Meridian, Wichita, Kansas 67204.

(c) Applicant let her license lapse on or about 6/30/2012. An investigation in Case No. 10-1376-3 was open at the time her license lapsed. It is alleged that she failed to give 30 days notice of a job resignation as required by her employer.

(d) Applicant filed for reinstatement and failed to list her previous employers and correct employment dates.

(e) The applicant revealed a history of depression and suicidal thoughts during an interview with the board investigator. The applicant ended the phone call with the investigator and indicated she wanted to "end it". 911 was called by the board investigator with a request to contact the applicant.

(f) The applicant was referred by the board on June 5, 2014 for a mental health exam to the Kansas Nurse Assistance Program (KNAP). Applicant failed to contact KNAP in response to two letters dated June 10, 2014 and June 24, 2014. Applicant's KNAP case was closed by KNAP on July 7, 2014.

(g) The Kansas Board requests that the Applicant's application for reinstatement be denied.

CONCLUSIONS OF LAW

2. 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. The above fact findings establish evidence that the Applicant violated the following provisions of the Nurse Practice Act:

(a) K.S.A. 65-1120(a)(3), to have committed an act of professional incompetency as defined in subsection (e)(3); a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board; K.A.R. 60-3-110(s).

(c) K.S.A. 65-1120(a)(1) to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing:

3. Applicant's conduct described herein violates the Kansas Nurse Practice Act.

4. 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.

5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

1. **Applicant's application to reinstate is denied.**
2. **Applicant shall not practice nursing in the state of Kansas.**
4. **Applicant shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective date of this Order.**

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

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

CERTIFICATE OF SERVICE

I certify that on the 14th day of August, 2014, 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:

Cynthia J. Loveland
3615 N. Meridian
Wichita, Kansas 67204.



Alma A. Heckler, #11555
Assistant Attorney General