



certified copy of the Complaint, Information, and Journal Entry in Atchison County District Court Case No. 91 CR 328. The Hearing Officer admits both exhibits. The Petitioner Rests.

The Hearing Officer asks the Respondent questions. The Respondent then is given the opportunity to make any statements or offer any witnesses or evidence. Respondent states she has nothing to offer in addition to the testimony already given. The Hearing Officer hears closing arguments by both sides, then recesses the case for deliberation.

After due deliberation, the hearing is reconvened. After reviewing all the testimony in this matter, the Hearing Officer makes the following Findings of Fact and Conclusions of Law.

#### FINDINGS OF FACT

1. Respondent submitted an application for reinstatement of her license to practice as a licensed practical nurse (L.P.N.), in the State of Kansas on June 11, 1993.

2. Respondent answered Question no. 12, which asked the applicant whether he/she had ever been convicted of a crime other than traffic violations, by placing an "X" in the "NO" blank, indicating no convictions other than traffic.

3. Respondent was convicted of a crime other than a traffic violation, specifically attempting to traffic in contraband in a penal institution in violation of K.S.A. 21-3301 and 21-3806, a class A misdemeanor, as indicated in Petitioner's EXHIBIT #2.

4. The Journal Entry contained in EXHIBIT #2 indicates the finding of guilt and sentencing was December 9, 1991, and the

Journal Entry was filed January 3, 1992, nearly seventeen (17) months prior to the submission of the reinstatement application.

5. During the hearing, Respondent admitted in responding to a question by the Hearing Officer that the reason she did not answer Question No. 12 honestly was because she knew the Board would not grant her a license if she answered the question truthfully.

6. Respondent received her license to practice as a licensed practical nurse (L.P.N.) in the State of Kansas, after submitting a false application for reinstatement.

7. Respondent committed fraud and deceit in procuring her license when she intentionally answered "NO" to Question No. 12.

#### CONCLUSIONS OF LAW

1. This Hearing Officer has jurisdiction over the Respondent, as a licensee of the Board, and the subject matter of this proceeding pursuant to the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

2. This Hearing Officer has authority to deny, revoke, suspend or limit a nurse's license if, after hearing, the individual is found to have violated the Nurse Practice Act, pursuant to K.S.A. 65-1120(a).

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

4. Notice of this proceeding and service of the notice were done in accordance with the requirements of the Kansas

Administrative Procedures Act, and therefore are found to be proper.

5. Petitioner has proven by substantial competent evidence that the Respondent, Jamie Morast, has violated a provision of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

6. Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq., specifically K.S.A. 65-1120(a)(1), guilty of fraud and deceit in procuring a license by intentionally providing a false answer to Question No. 12 on her L.P.N. reinstatement application.

#### ORDER

Based on the Findings of Fact and Conclusions of Law, IT IS ORDERED that the Respondent's license to practice as a licensed practical nurse (L.P.N.), in the State of Kansas is hereby revoked. The revocation is stayed under the following conditions:

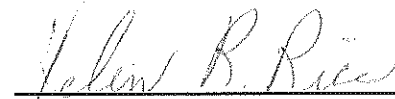
1. Respondent will cause quarterly reports to be submitted to the Board's Practice Specialist by her closest supervisor regarding her truth or veracity as a practicing nurse;

2. Respondent shall notify the Board's Practice Specialist of any changes in address; employment - within or without the profession of nursing - within thirty (30) days;

3. There are no other allegations regarding Respondent's truth or veracity;

4. These provisions will continue for the current period of licensure, which is January 31, 1994.

IT IS SO ORDERED



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Helen R. Rice  
Hearing Officer

Prepared and Submitted by Mark S. Braun, Disciplinary Counsel

**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

I, Helen R. Rice, Administrative Hearing Officer in this case, hereby certify that on the 11<sup>th</sup> day of February, 1994, I deposited a true and correct copy of the Initial Order in the United States Mail, first class mail, postage prepaid to the following:

Jamie Morast  
1016 Buffalo Trail  
Gardner, Kansas 66030

and

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

  
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HELEN R. RICE  
HEARING OFFICER