

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**  
**JUN 13 2011**  
**KSBN**

**IN THE MATTER OF**

**LOIS J. VISSER**

**License No. 23-20556-021 (PENDING REINSTATEMENT APPLICATION)**

**Case No. 11-735-8**

**SUMMARY ORDER**

Now this 13<sup>th</sup> day of June, 2011, 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 deny the reinstatement application of Lois J. Visser by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Applicant submitted a reinstatement application to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant's address of record is 3513 SE Winston Dr., Topeka KS 66605.
3. On or about 5/19/2011, the Board received Applicant's LPN reinstatement application to practice nursing in the state of Kansas.
4. Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
5. In 2003, a case was opened by the Board, 03-233-8, and resolved by letter agreement and Applicant completing continuing education.
6. In 2004, a case was opened by the Board, 04-325-7, and resolved by Diversion Agreement [REDACTED]
7. In 2005, two cases were opened by the Board, 05-720-8 and 05-993-5, and resolved by a revocation order.
8. On or about 8/7/2007, Applicant's LPN license was revoked by the Board.
  - a. Within the 8/7/2007 revocation order, the Board alleged that in case 05-720-8, on or about July 31, 2005, while employed as a nurse at Topeka Community Health Center, Topeka, Kansas, the Applicant diverted oxygen from a Hospice patient for her own personal use.
  - b. Within the 8/7/2007 revocation order, the Board alleged that in Case 05-993-5, during the dates 8/24/2005 to 9/19/2005, while employed by Lakeview Manor, Lawrence, Kansas, the Applicant charted breathing treatments that were not

performed but instead delegated to a CNA as well as charted a dressing change on a G-tube site that was not done.

- c. Within the 8/7/2007 revocation order, the Board alleged the Applicant falsified her employment application to Lakeview Manor by failing to report her dismissal from Topeka Community Health Center on or about 7/31/2005.
  - d. Within the 8/7/2007 revocation order, the Board alleged the Applicant failed to report to the Kansas State Board of Nursing criminal convictions for theft in 1991.
9. Per *Vakas v. Kansas State Board of Healing Arts*, 248 Kan. 589 (1991), the factors to be considered in determining whether a license should be reinstated after a disciplinary finding has been made are the following:
- a. The present moral fitness of the petitioner;
  - b. The demonstrated consciousness of the wrongful conduct and disrepute which the conduct has brought the profession;
  - c. The extent of petitioner's rehabilitation;
  - d. The nature and seriousness of the original misconduct;
  - e. The conduct subsequent to discipline;
  - f. The time elapsed since the original discipline;
  - g. The petitioner's character, maturity, and experience at the time of the original revocation;
  - h. The petitioner's present competence in medical skills.
10. With her 5/19/2011 reinstatement application, Applicant submitted proof of completion of 30 hours of continuing education.
- a. Applicant's continuing education was in the following topic areas: Acute Pediatric Illness, Cerebral Palsy, Domestic Violence, Diabetes, End-of-Life Decisions, Childhood Vaccine Preventable Diseases, Asthma, Hypertension, Acute Respiratory Failure, and Medication Errors.
11. Applicant submitted no evidence with her 5/19/2011 reinstatement application as to her present moral fitness, her demonstrated consciousness of the wrongful conduct and disrepute which her conduct brought the profession, the extent of her rehabilitation, her conduct subsequent to discipline, her character, maturity, and experience at the time of the original revocation, or her present competence in medical skills.

#### **CONCLUSIONS OF LAW**

1. 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. Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (n), diverting drugs, supplies, or property of any patient or agency.
  - b. Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.
  - c. Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (h), delegating any activity that requires the unique skill and substantial specialized knowledge derived from the biological, physical, and behavioral sciences and judgment of the nurse to an unlicensed individual in violation of the Kansas nurse practice act or to the detriment of patient safety.
  - d. Count 4: 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.
  - e. Count 6: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110 (c), failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.
  - f. Count 7: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(1), one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board.
2. K.S.A. 77-511(a)(2)(A) and K.S.A. 77-537 of the Kansas Administrative Procedure Act authorize the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and 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.

### **POLICY STATEMENT**

1. 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 LPN reinstatement application to practice nursing in the state of Kansas is DENIED.**

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.

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.

[REDACTED]  
Janet Jacobs, LPN  
Investigative Committee, Chair  
Kansas State Board of Nursing

**CERTIFICATE OF SERVICE**

I certify that on the 13<sup>th</sup> day of June, 2011, 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:

Lois Visser  
3513 SE Winston Dr.  
Topeka KS 66605

[REDACTED]  
Danielle Sanger #24587  
Assistant Attorney General