

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
KATHY D. DECKARD
License No. 23-020827-032**

FILED

MAY 26 2009

KSBN

Case No. 07-828-6

PROPOSED DEFAULT ORDER TO REVOKE LICENSE


NOW ON THIS 20th day of May, 2009, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 3/31/2010. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas licensed practical nurse license to the Kansas State Board of Nursing.

8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.

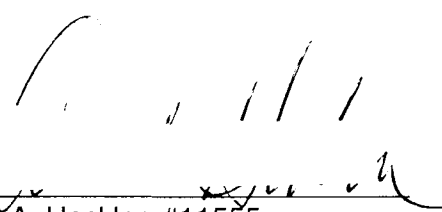


Sandra L. Sharon, Presiding Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order. The written motion is to be filed at:

State Board of Nursing - Legal Division
Landon State Office Building
900 SW Jackson, Ste 1051
Topeka, KS 66612-1230



Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 26th day of May, 2009, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Kathy D. Deckard
P.O. Box 313
Howard, Kansas 67349



Alma A. Heckler
Assistant Attorney General

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
KATHY D. DECKARD
License No. 23-020827-032**

Case No. 07-828-6, 08-216-0

FILED

APR 13 2009

KSBN

AMENDED PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice nursing in Kansas through 3/31/2010. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is P.O. Box 313, Howard, Kansas 67349.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the Respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:

(a) In Case No. 07-828-6 on or about September 4, 2007 when applicant submitted a reinstatement application to the Kansas Board of Nursing (KBON) applicant answered "no" to the question "has any license or certification ever been denied, revoked, suspended, limited or disciplinary action taken by a licensing authority...".

(b) Applicant was disciplined by the Missouri Nursing Board on or about November 2003 and failure to report such discipline is a violation of the Kansas Nurse Practice Act.

(c) On or about October 17, 2007, Respondent entered a Diversion Agreement with the Kansas State Board of Nursing to resolve the above captioned case.

(d) In the above mentioned Diversion Agreement, Respondent agreed to participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP). [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

(e) In the above mentioned Diversion Agreement, Respondent agreed that should the Respondent be found to have violated the Diversion Agreement the Respondent could not contest the following established violations: (a) 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.

(f) The Kansas Board of Nursing opened a new complaint (Case No. 08-216-0) regarding the Respondent on or about 1/25/08. The Respondent sent the Board a letter, received by the Board on 1/25/08, regarding her termination from employment at Medicalodges, in Wichita, Kansas on 1/14/08. The Board investigated the reasons for the employment termination and the Respondent was terminated for abuse, neglect and exploitation; failure to document administration of controlled substances, "borrowing" resident's clothes, sleeping during breaks and poor professional conduct. The Respondent failed to sign the medication administration records in a timely manner and staff observed the Respondent remove medications at 12:00 noon to be administered at 4:00 pm.

VIOLATIONS

7. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(s) failing to complete the requirements of the impaired provider program of the board.

Count 2: 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.

Count 3: 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.

Count 4: 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.

WHEREFORE, Petitioner requests a finding that the Respondent has violated the above mentioned Diversion Agreement, that Respondent has violated the Kansas Nurse Practice Act, that Respondent's license to practice nursing in Kansas be revoked, and that costs of this action should be assessed to the Respondent in the amount of \$70.00.

Respectfully submitted,

Stephen N. Six
Kansas Attorney General

By: _____
Alma A. Heckler, #11555
Assistant Attorney General