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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

JULIE D. GENTRY

License No. 23-22301-021

Case No. 09-917-6

SUMMARY ORDER

Now this 16th day of November, 2009, 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 reinstatement application of Julie D. Gentry (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant was previously licensed to practice nursing in the state of Kansas. Applicant's license to practice nursing in the state of Kansas as a licensed practical nurse lapsed on or about 2/28/2009. Applicant submitted an application for reinstatement of Applicant's license to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
 - (b) Applicant's address of record is 261 Greenway, Arkansas City, KS 67005.
 - (c) On or about 8/27/09, the Board received Applicant's application for reinstatement of Applicant's license to practice nursing in the state of Kansas.
 - (d) Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
 - (e) Applicant filed for reinstatement and included documentation of her most recent crimes. Applicant failed to report a previously reported misdemeanor conviction for DUI in December of 1987 and a prior conviction for transporting an open container of alcohol on her 2005, 2007 renewals and her 2009 reinstatement applications.
 - (f) Applicant reported the following criminal convictions and supplied certified documents:
 1. On 8/20/09 applicant was sentenced to one year probation in Case No. CM-2007-1098 in the District Court of Kay County, Oklahoma. Applicant was convicted of one count of obtaining cash or merchandise by bogus check/false pretenses (misdemeanor).
 2. On 8/20/09 applicant was sentenced to four years probation in Case No. CF-2007-255 in the District Court of Kay County, Oklahoma. Applicant was convicted of one count of Forgery in the Second degree, a felony.

3. On April 29, 2009 the applicant pled to two counts of Forgery a level 8 non-person felony in Case No. 07-CR61-A In Cowley County, Kansas.

4. On October 23, 2008 applicant pled guilty to one count of felony possession of Methamphetamine and one misdemeanor count of Possession of Drug paraphernalia in Case No. 08 CR 494A in Cowley County District Court.

(g) Applicant admits that she began using methamphetamine ten (10) years ago. She admits she increased her use to several times a week in 2006 and financed some of her use of methamphetamine by engaging in forgery, and bogus checks. Applicant is still on parole and probation in the cases listed above. She has not paid all of the restitution, fines and costs assessed in the criminal cases.

(b)

Applicant has not enrolled in the peer assistance program, Kansas Nurse Assistance Program (KNAP). The Board is unable to assess the applicant's safety to practice.

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)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

(b) K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation to warrant the public trust.

(c) K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

(d) K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

(e) K.S.A. 65-1120(a)(2) "to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust..."

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 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.


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 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.


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

CERTIFICATE OF SERVICE

I certify that on the 17th day of November, 2009, 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:

Julie D. Gentry
261 Greenway
Arkansas City, KS 67005



Alma A. Heckler, #11555
Assistant Attorney General