

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

AUG 30 2011

**IN THE MATTER OF
JEANNIE M. LAYTON
License No. 23-22526-062**

KSBN

Case No. 96-318-9, 08-707-8

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 30th day of July, 2011, August petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Amended Petition.

Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 6/30/2012. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the amended petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
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.
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 her original Kansas licensed practical nurse license to the Kansas State Board of Nursing.

8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.

9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

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

IT IS SO ORDERED.



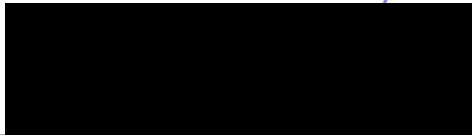
Sandra L. Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.



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 30th day of August, 2011, the foregoing copy of the Proposed Default Order Revoke was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Jeannie M. Layton
301 S. Mechanic
Emporia, KS 66801



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
JEANNIE M. LAYTON
License No. 23-22526-062**

Case No. 96-318-9, 08-707-8

CERTIFICATE OF SERVICE

On the 25th day of August, 2011, I deposited a copy of the
AMENDED PETITION with the United States Postal Service, postage pre-paid,
addressed to:

Jeannie M. Layton
301 S. Mechanic
Emporia, KS 66801

Sandra Sharon
Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, Kansas 66612-1327



Alma A. Heckler, #11155
Disciplinary Counsel

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BEFORE THE KANSAS STATE BOARD OF NURSING

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Topeka, Kansas 66612-1230

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**IN THE MATTER OF
JEANNIE M. LAYTON
License No. 23-22526-062**

Case No. 96-318-9, 08-707-8

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, Jeannie M. Layton, is licensed to practice nursing in Kansas through 6/30/2012. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 301 S. Mechanic, Emporia, KS 66801.
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) Respondent entered a Consent Agreement and Final Order on or about February 22, 2009 with the Kansas State Board of Nursing to resolve case numbers 96-318-9 and 08-707-8. The Consent Agreement and Final Order remain in effect until such time as the

Respondent completes all conditions and requirements of the Consent Agreement and Final Order.

(b) On or about September 13, 2010, Respondent was found to be non-compliant with the February 22, 2009 Consent Agreement and Final Order after a hearing. An Initial Order filed on September 13, 2010 stated the Respondent acknowledged violations of the Kansas Nurse Practice Act and the February 22, 2009 Consent Agreement. Per the order, the stay was lifted on the suspension of Respondent's license for six months. The stay was reimposed on the suspension of Respondent's license on March 21, 2011.

(e) Conditions of the February 22, 2009 Consent Agreement and Final Order include a condition that the Respondent participate in and complete the recommendations and requirements of the Kansas Nursing Assistance Program (KNAP). Respondent has committed two separate violations of the Consent Agreement.

(g) Respondent became noncompliant [REDACTED] by receiving a positive urine drug screen for marijuana on or about April 28, 2011.

(h) [REDACTED]

[REDACTED] Respondent wrote KNAP a letter dated May 10, 2011, stated that she did not want to participate [REDACTED] in KNAP, in spite of the fact that her participation in KNAP was a condition of the February 22, 2009 Consent Agreement and Final Order and is the third violation of her Consent Agreement.

VIOLATIONS

6. 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(r), failing to comply with any disciplinary order of the board.

Count 2: 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. 30-3-110(s).

Count 3: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

WHEREFORE, petitioner requests the respondent's nursing license be revoked due to her failure to meet the requirements of the February 22, 2009 Consent Agreement and Final Order and costs of this action should be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:


Alma A. Heckler, #11555
Assistant Attorney General