

Rex G. Beasley #08777
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING
LANDON STATE OFFICE BUILDING
900 S.W. JACKSON, #551-S
TOPEKA, KANSAS 66612-1230
(785) 296-8401

IN THE MATTER)
)
OF) Case No: 96-0643-7
)
JILL SHIRLEY)
LICENSE NO. 23-023931-081)

PROPOSED DEFAULT ORDER

On the 17th day of November, 1998 the above-captioned matter came on for a hearing before Terry E. Beck, the Board's designated Hearing Officer. The Petitioner appeared by and through Assistant Attorney General Rex G. Beasley Disciplinary Counsel for the Board. The Respondent Jill Shirley did not appear.

Whereupon, the Hearing Officer asked the Petitioner if it was ready to proceed. Petitioner's counsel stated that the Board was ready and, pursuant to K.S.A. 77-520, made an oral motion for a default judgment based on the Respondent's failure to appear. In support of the motion, the Petitioner stated and showed the following:

1. Notice of the hearing date and time was duly served upon the Respondent at his last address known to the Board.

2. No request for a continuance was ever made. Respondent did not appear at the hearing. Respondent did write a letter dated November 9, 1998 in which she admitted that she does not have the necessary continuing education credits.

3. The Board dismisses allegations o paragraph 5b of the petition. The balance of the allegations are true.

WHEREUPON, the Hearing Officer made the following findings of fact and conclusions of law:

1. Respondent was given proper notice as required by law.
2. Respondent failed to appear and was in default.
3. The allegations of paragraph 5b of the petition are dismissed the balance of the allegations in the petition are true.
4. Respondent was entitled to practice as a licensed practical nurse (L.P.N.) in the State of Kansas, having been issued license no. 23-023931-081, with an expiration date of August 31, 1995. On December 5, 1996 the Board received a reinstatement application from Respondent. Respondent did not then and still does not have the mandatory continuing education required for licensure. Respondent requested and was granted a temporary permit to allow her to practice while she obtained the necessary continuing education. Respondent never met the continuing education requirements. Respondent continued to practice nursing in Kansas after the expiration of the temporary permit.
5. Respondent's actions constitute violations of the Kansas Nurse Practice Act K. S. A. 65-1120(a)(3); K. S. A. 65-1120(a)(6); K. S. A. 65-1120(a)(7); K. S.


A. 65-1122(b); and other applicable rules, regulations and guidelines, and the public's trust, for which she should be disciplined.

6. The Board's motion and petition should be granted.

7. Respondent's reinstatement application for a license to practice nursing in Kansas should be denied


IT IS THEREFORE ORDERED that the Respondent's reinstatement application for a license to practice nursing in Kansas should be, and is hereby, denied. Respondent may not practice nursing in the state of Kansas. Respondent may not hold herself out as, or represent herself to be, a nurse in the State of Kansas. Respondent shall immediately surrender her license card, and all other evidence of licensure to the Board. Costs of the action in the sum of \$35.00 are hereby taxed to Respondent to be paid to the Board by cash, or money order, within 30 days of the effective date of this Order.

IT IS SO ORDERED.



Terry E. Beck
Hearing Officer

PREPARED AND SUBMITTED BY:



Rex G. Beasley
Disciplinary Counsel

NOTICE REGARDING THIS PROPOSED DEFAULT ORDER

This is a Proposed Default Order. The party against whom it is issued may file a written motion within seven (7) days after service, requesting that the Proposed Default Order be vacated and stating the grounds relied upon. Unless a written motion to vacate is filed, the Proposed Default Order shall become effective after expiration of the time Stated above. If a motion to vacate a Proposed Default Order is timely filed, the Presiding Officer shall either vacate the Proposed Order or issue the Default Order as proposed. If the Hearing Officer issues a Default Order as proposed, the Order shall become effective upon service.

CERTIFICATE OF SERVICE

This is to certify that on the 17th day of November, 1998, I deposited a true and correct copy of the Proposed Default Order in the United States Mail, first class mail, postage prepaid to the following:

Jill Shirley
6524 Larsen Lane
Shawnee, Kansas 66203

and by hand delivery to:

Rex G. Beasley
Assistant Attorney General
Kansas State Board of Nursing
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230



Diane M. Glynn, J.D., R.N.
Practice Specialist

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PETITION

COMES NOW the Petitioner, the Kansas State Board of Nursing, hereinafter referred to as the "Board," by and through its Disciplinary Counsel, Assistant Attorney General Rex G. Beasley, and initiates these proceedings under the provisions of K.S.A. 65-1120, and for its cause of action, alleges and states:

1. Respondent's mailing address last known to the Board is 6524 Larsen Lane Shawnee, Kansas 66203.
2. Respondent is or has been entitled to practice as a licensed practical nurse (L.P.N.) in the State of Kansas, having been issued license no. 23-023931-081, with an expiration date of August 31, 1995. On December 5, 1996 the Board received a reinstatement application from Respondent.

3. The Board has received information, conducted an investigation, and determined there are reasonable grounds to believe Respondent has committed acts in violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 et seq.

4. The Board has requested that the office of the Attorney General prosecute this action. Carla J. Stovall is the duly elected and acting Attorney General for the State of Kansas.

5. Respondent has committed acts in violation of K.S.A. 65-1113, et seq., as follows:

a. Even though she had no license Respondent continued to practice nursing to in the State of Kansas.

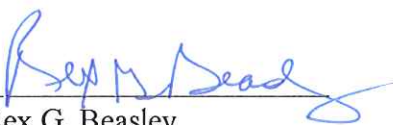
b. Respondent failed and refused to cooperate with the Board's investigation.

6. Respondent's actions constitute violations of the Kansas Nurse Practice Act K. S. A. 65-1120(a)(3); K. S. A. 65-1120(a)(6); K. S. A. 65-1120(a)(7); K. S. A. 65-1122(b); and other applicable rules, regulations and guidelines, and the public's trust, for which she should be disciplined.

WHEREFORE, Petitioner prays that the Board serve the Respondent with a copy of this Petition and a copy of a Notice of Hearing as required by law. Petitioner further prays that the Board make findings and conclusions that Respondent has committed acts in violation of the Kansas Nurse Practice Act, and that the Board deny Respondent's renewal application, and take and impose such other disciplinary action as it shall deem just and proper, including but not limited to the imposition of an administrative fine pursuant to K. S. A. 74-1110 for each violation of a law or a rule.

Respectfully submitted,

CARLA J. STOVALL
Attorney General

By: 
Rex G. Beasley
Assistant Attorney General Attorney for Petitioner