

Kansas State Board of Nursing

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Patsy L. Johnson, R.N., M.N.
Executive Administrator
785-296-5752
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September 25, 1998

Stephanie Capoun
PO Box 211
Alma, Kansas 66401

SUMMARY ORDER

Dear Ms. Capoun:

I have reviewed your application materials and on behalf of the Board members am denying your reinstatement application to practice as a licensed practical nurse in Kansas. This denial is based upon the following:

I. FINDINGS OF FACT

1. On or about September 15, 1997 Respondent filed an application for reinstatement of her licensed practical nurse license. She received a temporary permit to allow her to work while completing CNE for reinstatement qualifications. Respondent's license to practice had expired on June 30, 1997. Respondent had worked from July 1, 1997 through September 15, 1997 as a licensed practical nurse without being licensed. The Respondent paid an unlicensed practice agreement for \$125.00 on November 17, 1997.
2. Respondent's temporary permit expired on January 15, 1998.
3. Respondent contacted the Kansas State Board of Nursing office on May 13, 1998 to check on licensure status. It was documented that the Respondent worked a second time from January 15, 1998 through May 13, 1998 as a licensed practical nurse without a license.

II. CONCLUSIONS OF LAW

1. K.S.A. 65-1117(b) provides that the Kansas State Board of Nursing shall grant reinstatement of a license to individuals that meet certain qualifications as set by statute and rule and regulation.

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2. However, K.S.A. 65-1120(a) gives the board the authority to deny a license to practice nursing as a registered professional nurse if the applicant is found: ...

"(7) to have willfully or repeatedly violated the provisions of the Kansas Nurse Practice Act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122 and amendments thereto;..."

3. K.S.A. 65-1114(a)(3)(4) makes it unlawful to practice or offer to practice practical nursing or to use any title, abbreviation, letters, figures, sign card or device to indicate that any person is a licensed practical nurse unless duly licensed under the Kansas Nurse Practice Act.
4. K.S.A. 65-1122(c)(d) makes it a misdemeanor criminal offense for any person to use in connection with such person's name any designation implying that such a person is a licensed practical nurse unless duly licensed under the act or to practice during the time a licensed practical nurse license is expired, revoked or suspended.
5. K.S.A. 65-1120(b) authorizes the Board to deny a license in accordance with the provision of the Kansas Administrative Procedures Act.
6. K.S.A. 77-511(a)(2)(a) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application.

III. ORDER

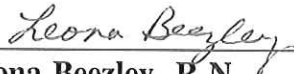
Based on the above and foregoing Findings of Fact and Conclusions of Law, Respondent's reinstatement application for a license to practice nursing as a licensed practical nurse in the State of Kansas is hereby denied.

If the information provided is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

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:

Practice Specialist
Kansas State Board of Nursing
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230
(913) 296-8401

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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.



Leona Beezley, R.N.
Board Member

CERTIFICATE OF SERVICE

I certify that on the 25th day of September, 1998, 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:

Stephanie Capoun
PO Box 211
Alma, Kansas 66401



Patsy Johnson, M.N., R.N.
Executive Administrator