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OCT 04 2013

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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  
LINDA K. BENEDICT  
License No. 23-27084-111

Case No: 13-553-0

SUMMARY ORDER TO REVOKE

Now this 14<sup>th</sup> day of October, 2013, 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 license of Linda K. Benedict, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1.
  - a. Licensee is licensed to practice nursing in the state of Kansas as a licensed practical nurse through 11/30/2013. The Board has jurisdiction over the Licensee and the subject matter of this action.
  - b. Licensee's address of record is 102½ Center, Silver Lake, Kansas 66539.
  - c. Licensee worked at Rolling Hills in Topeka, Kansas from 9/20/2007 to 12/27/2007. She is not eligible for rehire.
  - d. Licensee worked for Topeka Presbyterian Manor in Topeka, Kansas from 1/22/2008 and 2/24/2009. Her employment was terminated due to her poor attendance.
  - e. Licensee worked for Brighton Place West, Topeka, Kansas from 3/9/2009 to 12/11/2011 and was terminated due to several instances of her failure to chart, not doing paperwork and sharing confidential patient information.
  - f. Licensee was working in pediatric home health on or about 12/21/2012. She documented the administration of nebulizer treatments and application of a vibration vest but did not administer the treatment or use the vibration vest on the patient as ordered by the child's physician.
  - g. Licensee was working in pediatric home health on or about 2/6/2013. Licensee was witnessed hosing down the shower, dumping water on a changing table and bath towels to make the table and towels look wet. The licensee was attempting to simulate the appearance of bathing a child but did not actually bathe the child patient.
  - h. Licensee was also witnessed charting the administration of medications to a pediatric patient but did not actually administer the medication because the medication had been purposely removed from the room by the patient's family.
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 have been 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)(6), unprofessional conduct, by inaccurately recording, falsifying, or altering any record of a patient or agency or of the the board, K.A.R. 60-3-110(d);

(c) K.S.A. 65-1120(a)(6), unprofessional conduct, by physical abuse, which shall be defined as any act or failure to act performed intentionally or carelessly that causes or is likely to cause harm to a partient. It may include a failure or omission to provide any goods or services that are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm, K.A.R. 60-3-110(e)(4);

(d) K.S.A. 65-1120(a)(3) to have committed an act of professional incompetency as defined in subsection (e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing;


3. Licensee'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, 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, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.
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. Licensee's license is revoked.**
- 2. Licensee shall not practice nursing in the state of Kansas.**
- 3. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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.

  
Judith Hiner, RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 4th day of October, 2013, 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:

Linda K. Benedict  
102 ½ Center  
Silver Lake, Kansas 66539

  
Alma A. Heckler, #11555  
Assistant Attorney General