

BEFORE THE KANSAS STATE BOARD OF NURSING

IN THE MATTER OF
Lynnsi D. Coker
License No. 23 028212 121

Case No. 04 837 1
OAH No. 08BN0042

INITIAL ORDER

Now on this 9th day of March 2010, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon was duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears through Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Lynnsi D. Coker, appears through her attorney, Michael E. Francis.

Findings of Fact

1. On October 1, 2007, the Board filed a Petition to Revoke the Respondent's license to practice nursing in the State of Kansas. The Petition alleges violations of the Kansas Nurse Practice Act.
2. On July 2, 2009, an Initial Order was issued in this matter. The Initial Order did not revoke the Respondent's license to practice nursing in the State of Kansas.
3. The Initial Order of July 2, 2009 suspended the Respondent's license to practice nursing in the State of Kansas. The suspension would be stayed if the outlined conditions were met by the Respondent. The conditions are as follows:
 - The Respondent shall enroll and participate in the Kansas Nurse Assistance Program (KNAP) program.
 - The Respondent shall participate in additional education hours including: six hours of ethics, six hours of critical thinking, two hours on the Kansas Nurse Practice Act, and six hours regarding documentation.
 - The Respondent shall practice under the supervision of a Registered Nurse with the limitations of no home health care or private duty care.
 - The Respondent shall submit her license to the Board. A new license will be issued to the Respondent with an "S" indicating that her license is suspended with a stay.
 - The Respondent shall pay the cost of the action of \$70.00 to the Board.
4. On November 17, 2009, the Board filed a Petition to Lift Stay of Suspension of the Respondent's license to practice nursing in the State of Kansas and revoke her license. The basis of the Petition is that the Respondent has failed to meet the conditions outlined in the Initial Order of July 2, 2009. More Specifically:

- The Respondent has failed to enroll and participate in the Kansas Nurse Assistance Program (KNAP).
- The Respondent has not participated in additional education hours.
- The Respondent failed to submit her license to the Board so that it could be reissued with an "S" on it.
- The Respondent failed to pay the cost of the action in the amount of \$70.00.

Conclusions of Law

1. The Kansas State Board of Nursing has the authority to deny, revoke, limit, or suspend any license to practice nursing in the State of Kansas if a violation of the Kansas Nurse Practice Act has been established. Kansas Statutes Annotated (K.S.A.) 65-1120.
2. In the order issued July 2, 2009, it was established that the Respondent has violated the Kansas Nurse Practice Act, specifically, K.S.A. 65-1120(a)(6) and Kansas Administrative Regulation (K.A.R.) 60-3-110(d) and (n).
3. Further, the Respondent has failed to meet the conditions placed on her license in order that it not be suspended.
4. The Respondent's violations of the Kansas Nurse Practice Act coupled with her failure to meet conditions in order for her to maintain her license fall under the jurisdiction of the Board to revoke her license to practice nursing in the State of Kansas. K.S.A. 65-1120.

Conclusion

1. The Respondent's license to practice nursing in the State of Kansas is hereby revoked.
2. The cost of this action shall be assessed to the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. 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: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

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.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

OFFICE OF ADMINISTRATIVE HEARINGS


Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On March 25, 2010, I mailed a copy of this document to:

Lynnsi D. Coker
900 Grant
Dodge City, KS 67801

Michael E. Francis
Attorney at Law
434 SW Topeka Blvd.
Topeka, KS 66603

Mary Blubaugh, Executive Director
Alma A. Heckler, Assistant Attorney General
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612



Staff Person
Office of Administrative Hearings