

BEFORE THE KANSAS STATE BOARD OF NURSING
LONDON STATE OFFICE BUILDING, 900 S.W. JACKSON #1051
TOPEKA, KANSAS 66612-1230

Filed
NOV 12 2003
Board of Nursing

IN THE MATTER OF
DIXIE SURRETT
LICENSE NO. 23-028265-041

CASE NO. 03-504-6

PROPOSED DEFAULT ORDER
SUSPENDING LICENSE

NOW ON THIS 12th day of November, 2003, petitioner appears by disciplinary counsel, Betty Wright, for a pre-hearing conference on the petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent is licensed as an LPN through 4/30/2005. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order suspending the respondent's license, until all fees, bad check charges and costs of this action are paid in full. Once paid, the suspension shall be stayed until the next licensing period and if respondent pays all fees and there are no further incidents of failure to pay licensing or practice fees, a license shall issue without a suspension or stay.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.
5. Per petitioner's request, respondent's license to practice nursing is suspended. Respondent may not practice nursing in Kansas and respondent shall return her license card to the board immediately, even if respondent does pay the fees, and costs, a new license shall issue reflecting the suspension and stay. The new license shall be issued with an "S".
6. Petitioner requests a finding that respondent violated the nurse practice act, payment of the reinstatement fee of \$55.00, and \$30.00 returned check service fee, revocation of

respondent's license and for respondent to be assessed the \$70.00 costs of this action, for a total of \$155.00.

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

IT IS SO ORDERED.



Terry E. Beck
Hearing Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within seven days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.



Betty Wright #14785
Disciplinary Counsel
900 S.W. Jackson, Suite #1051
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 12 day of November, 2003, I deposited a copy of this notice and the above-referenced pleading with the United States Postal Service, postage pre-paid, addressed to:

Dixie Surrett
1223 S 23rd
Parson, KS 67357



Betty Wright, Assistant Attorney General

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CASE NO. 03-504-6

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Betty Wright, and for its cause of action states that:

1. Respondent is licensed to practice nursing as a license practical nurse in Kansas through 4/30/2005.
2. For the purpose of service of this pleading, respondent's address of record is 1223 S 23rd, Parsons, KS 67357.
3. The respondent submitted a \$55.00 check #112 written on her personal checking account, dated July 9, 2003, with her L.P.N. reinstatement. The check was returned stamped "insufficient funds" and was returned to the Board. The respondent was notified of the returned insufficient funds check; by letter dated August 5, 2003, August 19, 2003 and September 8, 2003. Respondent has failed to respond.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 *et seq.* to examine, license and renew licenses 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

5. The respondent in this case was licensed on or about 9/16/1998. Respondent submitted a check drawn on her personal checking account dated 7/9/2003 and the check was returned by the financial institution as insufficient funds. The respondent was notified of the returned insufficient funds check; by letters dated August 5, 2003, August 19, 2003 and September 8, 2003. Respondent has failed to respond the letters or to pay the verification fees.

COUNT I

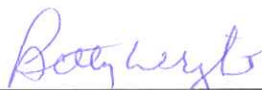
Respondent wrote an insufficient funds check and has failed to respond to three letters requesting payment and has violated K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing.

WHEREFORE, petitioner requests a finding that respondent violated the nurse practice act, payment of the reinstatement fee of \$55.00, and \$30.00 returned check service fee, revocation of respondent's license and for respondent to be assessed the \$70.00 costs of this action, for a total of \$155.00.

Respectfully submitted,

Phill Kline
Attorney General

By: _____



Betty Wright #14785

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JAN 16 2004
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DIXIE SURRETT
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CASE NO. 03-504-6

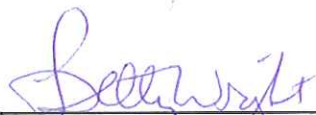
ORDER STAYING SUSPENSION OF LICENSE

Now on this 16th day of January 2004, petitioner appears by Betty Wright, disciplinary counsel, to update this case file in accordance with the terms of a previous order. On 11/25/03, respondent's license was suspended until fees and costs were paid, with the suspension to be stayed once respondent paid \$155.00. Petitioner states that on January 14, 2004, respondent paid \$155.00 to the board.

It is therefore ordered that the suspension of respondent's license is stayed effective January 14, 2004.



Terry E. Beck, Hearing Officer

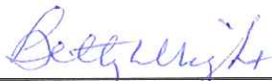


Betty Wright #14785
Disciplinary Counsel
900 S.W. Jackson, Suite #1051
Topeka, Kansas 66612-1230
785/296-7047

CERTIFICATE OF SERVICE

On the 16th day of January, 2004, I deposited a copy of this order and motion with the United States Postal Service, postage pre-paid, addressed to:

Dixie Surrett
1305 Stevens
Parsons, KS 67357



Betty Wright, Assistant Attorney General