

**BEFORE THE KANSAS STATE BOARD OF NURSING**

Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

**FILED**

**JAN 29 2008**

**KSBN**

**IN THE MATTER OF  
JUDITH M. KIMATU  
License No. 23-028430-082**

**Case No. 07-935-7**

**PROPOSED DEFAULT ORDER TO REVOKE LICENSE**

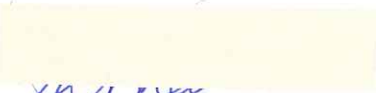
NOW ON THIS 29<sup>th</sup> day of January, 2008, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 8/31/2000. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
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 revoking respondent's license. The petitioner's request is granted by default.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas. Respondent is to mail the license card to the Kansas State Board of Nursing office immediately.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas licensed practical nurse license to the Kansas State Board of Nursing.

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

**IT IS SO ORDERED.**

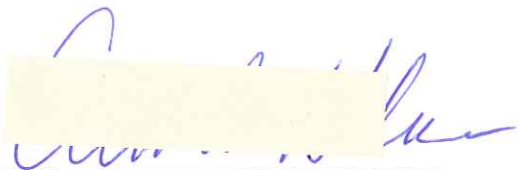


Sandra L. Sharon  
Sandra L. Sharon, Presiding Officer

**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. The written motion is to be filed at:

State Board of Nursing - Legal Division  
Landon State Office Building  
900 SW Jackson, Ste 1051  
Topeka, KS 66612-1230

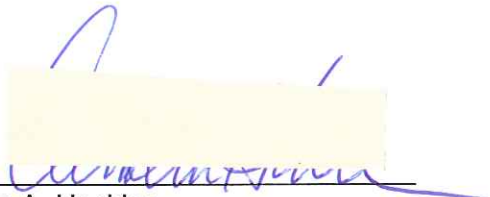


Alma A. Heckler  
Alma A. Heckler, #11555  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

**CERTIFICATE OF SERVICE**

I certify that on the 29th day of January 2008, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Judith M. Kimatu  
1165 W Virginia Ln Apt 4  
Olathe, KS 66061



Alma A. Heckler  
Alma A. Heckler  
Assistant Attorney General

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Landon State Office Building, 900 S.W. Jackson #1051  
Topeka, Kansas 66612-1230

IN THE MATTER OF  
JUDITH M. KIMATU  
License No. 23-028430-082

Case No. 07-935-7

## PETITION

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

1. Respondent is licensed to practice nursing in Kansas through 8/31/2008. The Board has jurisdiction over the respondent and the subject matter of this action.
2. For the purpose of service of this pleading, respondent's address of record is 1165 W Virginia Ln Apt 4, Olathe, KS 66061.
3. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license 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

4. The Respondent in this case requested a duplicate license. Respondent submitted a check drawn on Respondent's personal checking account dated 9/20/07 to pay the duplicate license fee of \$25.00. The check was returned by the financial institution for insufficient funds. The Respondent was notified of the returned insufficient funds check; by letter dated October 3, 2007 and a reminder phone call was made on 10/17/07 but a message was not left because the respondent does not have an answering machine and no one answered. To date there has been no money order received for payment of the duplicate license fee.

**VIOLATIONS**

5. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: 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 the respondent has violated the Nurse Practice Act, payment of the duplicate license fee of \$25.00, and returned check service fee of \$30.00, and revocation of respondent's license, and for respondent to be assessed the \$70.00 costs of this action. For a total amount assessed of \$125.00.

Respectfully submitted,

Paul J. Morrison  
Kansas Attorney General

By: \_\_\_\_\_

  
Alma A. Heckler, #11555  
Assistant Attorney General