

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAY 6 2010

**IN THE MATTER OF
JESSICA L. STEWART
License No. 23-28632-062**


KSBN

Case No. 08-944-6, 08-1152-0

SUMMARY ORDER

Now this 27th day of May 2010, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 74-1106(c)(4) and the Nurse Practice Act, 65-1113 *et seq.* The Board hereby proposes to find facts and take disciplinary action against the licensed practical nurse license of Jessica L. Stewart (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Licensee is licensed to practice nursing in the state of Kansas as a licensed practical nurse through June 30, 2010, and has been so licensed since March 18, 1999.
2. Licensee's address of record is P.O. Box 305, 204 Cedar Street, Cedar Vale, KS 67024.
3. On or about March 26, 2008, Licensee entered into a Stipulation, Settlement and Order with the Oklahoma Board of Nursing granting her application for endorsement with conditions. Licensee stipulated that she had documented administration of ten doses of Lortab to a nursing home resident and that the resident denied having received the documented doses. Licensee denied substance abuse 
4. On June 4, 2008, Licensee's Oklahoma license was suspended for failure to comply.
5. On July 23, 2008, Licensee's Oklahoma license was revoked by default when Licensee failed to respond to an order to show cause and failed to appear for hearing.
6. On or about December 12, 2009, the Kansas Board received a request for verification of Licensee's license status reflecting California residency.
7. By letter of January 6, 2010, addressed to the California address shown on the request for verification, the Board's investigator inquired about the action.
8. To date, Licensee has not responded.
9. To date, Licensee has not notified the Board of a change of address.

CONCLUSIONS OF LAW

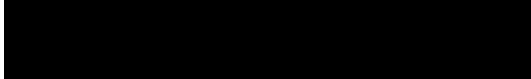
10. The Board may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board or applied for under this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization upon making any of the findings listed under K.S.A. 65-1120(a).
11. In addition, the Board may assess a civil fine against a licensee in accordance with K.S.A. 74-1110 if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act.
12. The Board has jurisdiction over the Licensee and the subject matter of this action.
13. Based on the stipulation in the Oklahoma matter, the Board concludes that Licensee is subject to action against her license pursuant to K.S.A. 65-1120(a)(6), for unprofessional conduct as defined by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency.
14. Licensee is subject to action against her license pursuant to K.S.A. 65-1120(a)(8), as she has had a license to practice nursing as a practical nurse first suspended, then revoked, by a licensing authority of another state.
15. Pursuant to K.S.A. 65-1116(c)(1)(A), a licensee must notify the Board of a change of address within 30 days of the change. Licensee's failure to do so violates the Kansas Nurse Practice Act.
16. K.S.A. 77-537 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.
17. The role of the Kansas State Board of Nursing is to protect citizens of Kansas, and the proposed action furthers that purpose.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT Licensee's license to practice nursing in the state of Kansas is REVOKED. On and after the effective date of this Summary Order, Licensee shall not practice nursing in the state of Kansas unless and until reinstated.

Notice of Right to Hearing: 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.


Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 7th day of May 2010, a true and correct copy of the foregoing Summary Order was deposited in the United States Mail, first-class postage prepaid, addressed to Licensee at her address of record as follows:

Jessica L. Stewart
P.O. Box 305
Cedar Vale, KS 67024

And an additional copy addressed to Licensee at her last known address as follows:

Jessica L. Stewart
36920 Fortner Road
Anza, CA 92539


Brenda J. Clary
Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that on the 30th day of June, 2010, 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:

Jessica L. Stewart
P.O. Box 305 204 Cedar Street
Cedar Vale, KS 67024



Alma A. Heckler, #11555
Assistant Attorney General