

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED
DEC 8 2009

IN THE MATTER OF
TERESA L. CLARK
License No. 23-30627-081

KSBN

Case No. 08-726-9

SUMMARY ORDER

Now this 8th day of December 2009, 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 reinstatement application of Teresa L. Clark (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Applicant was previously licensed to practice nursing in the state of Kansas. Applicant's license to practice nursing in the state of Kansas as a licensed practical nurse lapsed on or about August 31, 2005. Applicant submitted an application for reinstatement of Applicant's license to practice nursing in the state of Kansas.
2. Applicant's address of record is 711 Y STREET, Atchison, KS 66002.
3. On or about February 29, 2008, the Board received Applicant's application for reinstatement of Applicant's license to practice nursing in the state of Kansas. A temporary permit was issued on March 3, 2008, and expired on July 1, 2008. Applicant submitted additional information and documentation through September 15, 2008.
4. Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
 - a. In answer to question number 11 of the application, Applicant denied any criminal proceedings were pending against her. At the time, case number 2005 TR 390, charging Applicant with driving while under the influence of alcohol and/or drugs, a misdemeanor, was pending in the District Court of Osage County, Kansas.
 - b. In answer to question numbers 12 and 13 of the application, Applicant denied pending and final action against any license in any state. At the time, her license to drive was suspended in Kansas, and an action against her nursing license was pending in Ohio. By Consent Order filed August 4, 2008, Applicant was fined for unlicensed practice in Ohio.

CONCLUSIONS OF LAW


1. The Kansas State Board of Nursing has jurisdiction of the Applicant and the subject matter of this action.
2. 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 enumerated in K.S.A. 65-1120(a).

3. Evidence supports the following grounds for denial of Applicant's license:
 - a. K.S.A. 65-1120(a)(1), 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 as defined by K.A.R. 30-3-110(d), by failing by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.
4. Applicant's conduct described herein violates the Kansas Nurse Practice Act.
5. 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 and 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.
6. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
7. Applicant's application for licensure should be denied.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT Applicant's reinstatement application to practice nursing in the state of Kansas is denied.

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.


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.


 Jaret Jacobs
 Investigative Committee, Chair
 Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 9th day of December 2009, a true and correct copy of the foregoing Summary Order was deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Teresa L. Clark
 711 Y St.
 Atchison, KS 66002


 Brenda J. Clary, #18770
 Assistant Attorney General