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**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

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**IN THE MATTER OF SHANNON JO HIELSCHER aka KAFFENBARGER**

**License No 23-30662-012**

**Case No. 11-1447-8 and 12-1141-8**

**PROPOSED DEFAULT ORDER TO REVOKE LICENSE**

NOW ON THIS 29<sup>th</sup> day of October, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Michael R. Fitzgibbons, Assistant Attorney General, 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 January, 2016. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
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.
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 nursing certificate and/or license cards to the Kansas State Board of Nursing.

8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.

9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

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

**IT IS SO ORDERED.**



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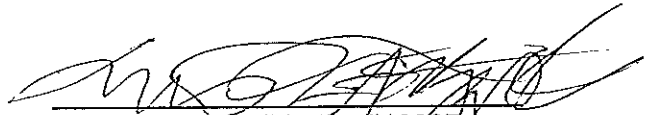
Sandra Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

**NOTICE**

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. 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: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30<sup>th</sup> day following its service.

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.



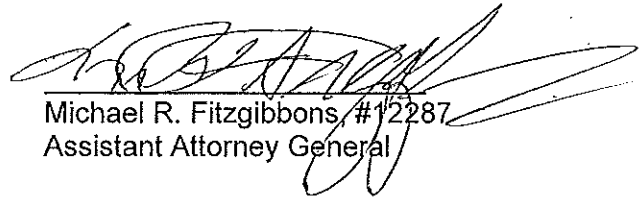
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Michael R. Fitzgibbons, #12287  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 4<sup>th</sup> day of November, 2014, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Shannon Jo Hielscher  
16826 Pauline Road  
Overbrook, Kansas 66524

  
Michael R. Fitzgibbons, #12287  
Assistant Attorney General

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**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF SHANNON JO HIELSCHER aka SHANNON JO KAFFENBARGER**

**License No 23-30662-012**

**Case No. 12-1141-8**

**AMENDED PETITION**

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

1. Respondent, Shannon Jo Hielscher, is licensed to practice nursing in Kansas through January, 2016. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 4201 SW 29<sup>th</sup> Terrace, Topeka, Kansas 66614.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. 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 COMMON TO ALL COUNTS**

5. The facts below are common to all counts:
  - (a) According to a report, it is alleged that while you were employed by the Colmery-O'Neil VA Medical Center, Topeka, you diverted medication for your own use.
  - (b) Licensee failed to follow policy and procedures as set out for the VA Medical Center.

- (c) Licensee worked at her employment while impaired.
- (d) These incidents allegedly occurred on or about the 20<sup>th</sup> day of March, 2011.
- (e) Licensee also has been obtaining prescription drugs from multiple providers in large quantities.
- (f) A Petition to Revoke was filed on the 15<sup>th</sup> day of January, 2013 in Case No. **11-1447-8**
- (g) Licensee was granted a Diversion on the 21<sup>st</sup> day of May, 2013 in Case No. **11-1447-8**
- (h) Licensee was referred to KNAP on the 28<sup>th</sup> day of August, 2013 and a stay of the proceeding was implemented.
- (i) Licensee had a positive UDS for Tremadol on the 9<sup>th</sup> day of September, 2013.
- (j) On the 29<sup>th</sup> of January, 2014 the KNAP case was closed due to non compliance.
- (k) The Board is requesting that the matter in Case No. **11-1447-8** have the stay removed and the matter set for hearing.
- (l) According to the report, it is alleged that while licensee was employed by the VA Hospital, Topeka, Kansas, licensee developed a personal relationship and had sexual relations with a psychiatric patient.
- (m) This incident occurred on or about the 8<sup>th</sup> day of May, 2012 and thereafter.

#### VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

Count 2: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

Count 4 K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

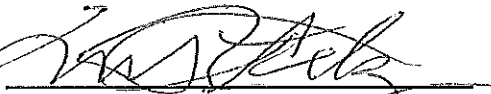
Count 5: Pursuant to KAR 60-3-110 (f) Unprofessional conduct i.e. "commission of any act of sexual abuse, sexual misconduct or sexual exploitation related to the licensees' practice.

Count 6: K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, the stay of the proceedings be lifted due to violation of Diversion Agreement and that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$70.00.

Respectfully submitted,

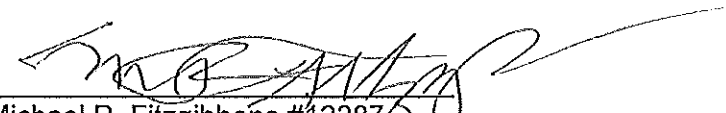
Derek Schmidt  
Kansas Attorney General

By:   
Michael R. Fitzgibbons #12287  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612

**CERTIFICATE OF SERVICE**

On the 10<sup>th</sup> day of July, 2014, I mailed a copy of this AMENDED PETITION to:

Shannon Jo Hielscher  
4201 SW 29<sup>th</sup> Terrace  
Topeka, Kansas 66614

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051