

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JUN 09 2014

**IN THE MATTER OF
DIANE MC COY**

License No. 23-31373-021

KSBN

Case No. 13-745-7

SUMMARY ORDER TO REVOKE

Now this 9th day of June, 2014, 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 license of Diane McCoy, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1.
 - a. Licensee is licensed to practice nursing in the state of Kansas as a licensed practical nurse through 2/28/2015. The Board has jurisdiction over the Licensee and the subject matter of this action.
 - b. Licensee's address of record is 436 N. 81st Terrace, Kansas City, Kansas 66112. .
 - c. Licensee allowed her license to lapse. She did not renew by 2/28/2013.
 - d. Licensee applied for reinstatement and her license was reinstated on 4/3/2013. Licensee reported she last worked on 2/9/2013 on her reinstatement application. An investigation by the Board revealed that the licensee worked as a nurse on an overnight shift from 10:45 p.m. to 7:15 a.m. on 3/10/2013.
 - e. Licensee failed to respond to the Board's investigative letter.
2. Pursuant to K.S.A. 65-1120(a), the Kansas State Board of Nursing 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, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:
 - (a) 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;

(b) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(t) failing to furnish the board, its investigators, or its representatives with any information legally requested by the Board;

(c) K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by K.A.R. 60-3-110(v) practicing without a license or while the license has lapsed.


- 3 Licensee's conduct described herein violates the Kansas Nurse Practice Act.
- 4 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, 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.
- 5 The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. Licensee's license is revoked.
2. Licensee shall not practice nursing in the state of Kansas.
3. Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.

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.

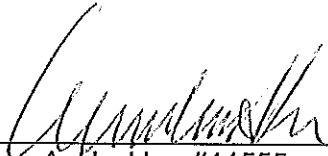
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


Judith Hiner, RN, BSN
Investigative Committee, Chair

CERTIFICATE OF SERVICE

I certify that on the 9th day of June, 2014, 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:

Diane McCoy
436 N. 81st Terrace
Kansas City, Kansas 66112. .



Alma A. Heckler, #11555
Assistant Attorney General