

May 7, 2008

Joan D. Chavez
1915 W. MacArthur Lot 70B
Wichita, KS 67217

Case No. 05-445-8
License No. 23-031626-112

SUMMARY ORDER

Dear Ms. Chavez:

The Investigative Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a licensed practical nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) On or about 1/23/2008, the Board received Respondent's application for reinstatement of her license to practice nursing in the state of Kansas as a licensed practical nurse. Respondent also requested a temporary permit.
- (b) Respondent had allowed her license to lapse on or about 11/30/04, while an investigation was pending. The report/investigation alleged that the Respondent called in a prescription for Lortab for herself to the Dillon's Pharmacy in El Dorado, Kansas, using a Dr. Mary Vernon's name, without her consent or knowledge. The incident occurred on or about May 23, 2005. Respondent continued to work after her license lapsed from December 1, 2004 to December 11, 2004.
- (c) Respondent filed for reinstatement on 2/24/2005 and requested a temporary permit, which was issued 2/25/05. The respondent failed to complete or send 30 hours of CNE and the application was considered abandoned on 8/25/2005.
- (d) Respondent denies that she attempted to call in a prescription for herself but does admit to practicing while unlicensed.
- (e) Respondent is unable to show that she is now safe to practice nursing.

CONCLUSIONS OF LAW

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)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

(c) 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.

(d) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(v), practicing without a license or while the license has lapsed.

3. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application in whole or in part.

4. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

5. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

6. 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

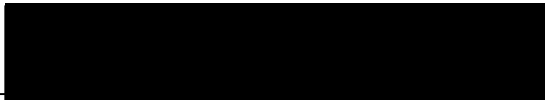


Tamara Hutchison, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 11th day of June, 2008, 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:

Joan D. Chavez
1915 W. MacArthur Lot 70B
Wichita, KS 67217


Alma A. Heckler, #11355
Assistant Attorney General