

BEFORE THE KANSAS STATE BOARD OF NURSING

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APR 24 2012 pab

KSBN

IN THE MATTER OF  
Shawna S. Sull-Bowers  
License No. 23-032250-111

Case No. 03-115-9,  
06-975-0  
OAH No. 09BN0114

**INITIAL ORDER**

Now on this 21st day of March 2012, the above-captioned matter comes on for hearing before the Kansas State Board of Nursing. Sandra L. Sharon was duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears by Assistant Attorney General, Alma A. Heckler, Disciplinary Counsel for the Board. The Respondent, Shawna S. Sull-Bowers, appears in person.

Findings of Fact

1. On or about June 8, 2009, the respondent entered into a Consent Agreement and Final Order with the Board. Within the agreement, the respondent agreed she would participate and complete the reasonable recommendations and requirements of the Kansas Nurse Assistance Program (KNAP).
2. The respondent agreed to inform all employers and perspective employers that she had entered into a Consent Agreement and Final Order with the Board.
3. The respondent agreed to submit reports from her employers to the attention of the Legal Division, Kansas State Board of Nursing, Landon State Office Building when employed, once every three months.
4. As per her agreement with the Board, the respondent entered into a three year agreement with KNAP.
5. In May 2010, the respondent was noticed by [REDACTED]
6. Also in May 2010 the Board sent a letter to the respondent indicating that she needed to cause employment performance reports from her employer to be filed with the Legal Division of the Board. This letter went on to explain to the respondent that if she was not working as a nurse, she needed to submit monthly letters to the Legal Department stating that she was not utilizing her nursing license.
7. In October 2011, KNAP sent notice to the respondent that she was in serious noncompliance with her KNAP agreement. The letter indicated that the respondent had been working at Osage Nursing Center and failed to notify her employer of her participation in KNAP. Further, she failed to notify KNAP of her employment.

8. This October 2011 correspondence from KNAP also inquired as to whether the respondent was still employed at Holiday Resort. The respondent's employment with Holiday Resort had ended February 8, 2011 and she had failed to report this to KNAP or the Board.
9. By letter dated December 14, 2011, KNAP informed the respondent that it had become aware that she had let her nursing license lapse. Subsequent to allowing her nursing license to lapse, the respondent's case with KNAP was closed as unsuccessful.

#### Conclusions of Law

1. Grounds of disciplinary action by the board are warranted when it is determined that the individual is guilty of unprofessional conduct as defined by rules and regulations of the Board. K.S.A. 65-1120(a)(6).
2. Unprofessional conduct is defined at K.A.R. 60-3-110. Included in the definition is the failure to comply with any disciplinary order of the Board and failing complete the requirements of the impaired provider program of the Board. K.A.R. 60-3-110(r) & (s).
3. Portions of the Consent Agreement and Final Order the respondent entered into with the Board on or about June 8, 2009 include the following:

16(b). Respondent will participate in and complete the reasonable recommendations and requirements of the Kansas Nurses Assistance Program (KNAP);

(e). the respondent shall immediately inform all employers and prospective employers of the Consent Agreement and Final Order.

(i). Respondent will submit reports from the respondent's employer to the attention of the Legal Division, Kansas State Board of Nursing, Landon State office building, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230 on the following schedule... a nursing performance report is due by the 10<sup>th</sup> day of every third month until respondent has caused the submission of four (4) separate nursing performance reports.

#### Discussion

1. The respondent violated her Consent Agreement and Final Order when she failed to report her employment at Osage Nursing Center from June 21, 2011 to October 20, 2011.
2. The respondent violated the Consent Agreement and Final Order when she failed to cause her employer to send reports regarding her performance to the Legal Division of the Kansas State Board of Nursing. The respondent's claim that this was a misunderstanding and she did not realize that she had to inform KNAP and the Board of her employment circumstances. The respondent was informed of this obligation in her Consent Agreement and Final Order and by a separate notice from the Board dated May 21, 2010. This correspondence informed the respondent that she was required to report to the Board

quarterly regarding her employment performance and if she was not employed she was to submit letters to the Board's Legal Department stating she was not utilizing her nursing license.

3. Finally, the respondent violated the Kansas Nurse Practice Act when she failed to inform her employer, Osage Nursing Center, which that she was under a Consent Agreement and Final Order with the Board.

#### Conclusion

The respondent has allowed her license to lapse since the petition was filed in the case on November 22, 2011. Due to the above stated violations, if the respondent applies for and receives her license, she shall serve an eighteen month suspension of her license beginning the date of reissuance of said license.

*no redactions*

Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

#### Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. 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: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.

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.

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.



Sandra L. Sharon  
Administrative Law Judge/Presiding Officer  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, KS 66612  
Telephone: 785-296-2433

CERTIFICATE OF SERVICE

On April 24, 2012, I mailed this original document through State Building  
Mail to:

Mary Blubaugh  
Executive Administrator  
Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Alma Heckler  
Assistant Attorney General  
Disciplinary Counsel for the Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-4325

and a copy of this document through first class mail to:

Shawna S. Sull-Bowers  
227 Vine Street  
Reading, Ks 66868



Staff Person  
Office of Administrative Hearings