

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
TOMEIKA C. JOHNSON
License No. 23-33501-061**

Case No. 10-163-5

FILED

MAR 30 2010

KSBN

PROPOSED DEFAULT ORDER TO REVOKE LICENSE


NOW ON THIS 30th day of March, 2010, Petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Brenda J. Clary, 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 June 30, 2011. The Kansas State Board of Nursing has jurisdiction over Respondent and the subject matter of this action.
2. Respondent was served a copy of the petition and notice of this hearing by mail addressed 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. The license renewal fee of \$60.00, and the returned check service fee of \$30.00, 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.
8. Respondent shall immediately forward his or her original Kansas license #23-33501-061 to the Kansas State Board of Nursing.
9. 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.
10. Disciplinary counsel shall mail a copy of this proposed default order to Respondent's last known address.

IT IS SO ORDERED.



Sandra L. 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 15 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 30th 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.



Brenda J. Clary, #18770
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 30th day of March 2010, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Tomeika C. Johnson
5720 E 22nd Street N
Wichita, KS 67220



Brenda J. Clary
Assistant Attorney General

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

**IN THE MATTER OF
TOMEIKA C. JOHNSON
License No. 23-33501-061**

Case No. 10-163-5

PETITION

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

1. Respondent, Tomeika C. Johnson, is licensed to practice nursing in Kansas through June 30, 2011. The Board has jurisdiction over the respondent and the subject matter of this action.
2. For the purpose of service of this pleading, respondent's address of record is 5720 E 22nd Street N, Wichita, KS 67220.
3. 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

4. The Respondent in this case was licensed on or about 7/1/2009. Respondent submitted a check drawn on Respondent's personal checking account dated 6/29/2009, in the amount of \$60.00, to pay the application fee. The check was returned by the financial institution for insufficient funds. The Respondent was notified of the returned insufficient funds check and the \$30.00 return check service fee, by letters dated September 9, 2009, October 15, 2009 and October 30, 2009. To date there has been no money order received for payment of the fees.

VIOLATIONS

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

Count 1: 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.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, payment of the renewal fee of \$60.00, and returned check service fee of \$30.00, and revocation of respondent's license, and for respondent to be assessed the \$70.00 costs of this action. For a total amount assessed of \$160.00.

Respectfully submitted,

Stephen N. Six
Kansas Attorney General

By:


Brenda J. Clary, #18770
Assistant Attorney General