

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

JUL 26 2011

IN THE MATTER OF
JULIE A. WIELAND
License No. 23-34005-061

KSBN

Case No. 09-628-3, 05-305-3

PROPOSED DEFAULT ORDER TO REVOKE LICENSE


NOW ON THIS 26th day of July 2011, Petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Danielle R. Sanger, for a Pre-Hearing on the Petition. Respondent does not appear in person or by phone.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 6/30/2011. 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 Hearing to Respondent's last known address of record 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 fully 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 cashier's check or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas nursing license 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. Disciplinary counsel shall mail a copy of this proposed default order to Respondent's last known address of record.

IT IS SO ORDERED.

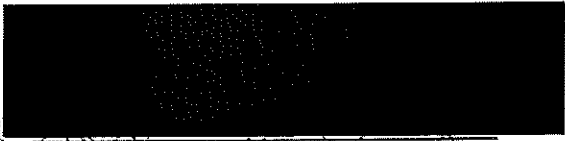


Sandra L. Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-520, a party against whom a proposed default order is issued may file a written motion to vacate the order. A motion to vacate the proposed default order must be timely filed within 7 days following service of the proposed default order. If no timely motion to vacate the proposed default order is received and granted, the proposed default order becomes final without further proceedings or notice in 30 days after the service of the proposed default order.

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



Danielle R. Sanger, #24587
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 26th day of July 2011, a true and correct copy of the foregoing Proposed Default Order Revoking License was deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Julie Wieland
105 5th St. Apt. D
Phillipsburg KS 67661-2748



Danielle R. Sanger, #24587
Assistant Attorney General

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Case No. 09-628-3, 05-305-3

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PETITION

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

1. Respondent, Julie A. Wieland, is licensed to practice nursing in Kansas through 6/30/2011. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 105 5th St. Apt.D, Phillipsburg KS 67661.
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. On or about 07/2005, Respondent was initially licensed as an LPN in the state of Kansas. Per her initial application, Respondent was convicted of misdemeanors

on or about 12/7/1995 and 8/9/2000 and her driver's license had been suspended.

- b. In a letter dated 6/9/2005, Respondent was informed that, "Since you reported the above misdemeanor convictions and disciplinary action with your initial application for LPN licensure, you are required to answer 'yes' to both the misdemeanor conviction and disciplinary action questions on any/all future nursing applications submitted to the KSBN."
- c. On or about 6/26/2009, Respondent submitted a renewal application to practice nursing in the state of Kansas.
- d. On her renewal application, Respondent answered "No" to the question regarding whether any license had ever had disciplinary action taken by a licensing authority of any state.
- e. In a letter dated 9/1/2010, Respondent was informed that she had answered "No" to the question regarding whether she had ever had disciplinary action taken by a licensing authority of any state, and Respondent needed to contact the Board at her earliest convenience.
- f. On or about 10/7/2010, the 9/1/2010 letter was returned to the Board as undeliverable.
- g. To date, Respondent has not contacted the Board.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:
 - a. Count 1: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in procuring or attempting to procure a license to practice nursing.
 - b. Count 2: K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the board, by KAR 60-3-110(t), failing to furnish the

board, its investigators, or its representatives with any information legally requested by the board.

WHEREFORE, Petitioner requests a finding that the Respondent has violated the Nurse Practice Act, 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:



Danielle R. Sanger #24587
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612