

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAR 29 2010

KSBN

**IN THE MATTER OF
LEAH HALL**

License No. 23-34830-091

Case No. 09-1377-5

SUMMARY ORDER

Now this 30th day of March 2010, 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 Leah Hall (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Licensee is licensed to practice nursing in the state of Kansas as a licensed practical nurse through the 30th day of September 2011.

2. Licensee's address of record is 234 N Brunswick Apt 2, Wichita, KS 67212.

3. In August 2009, Licensee was referred to the Kansas Nurse Assistance Program (KNAP), the impaired provider program of the Board, as a result of a drug diversion incident reportable under the state's risk management law.

4. [REDACTED]

5. Licensee was arrested on suspicion of driving while under the influence of alcohol and other traffic offenses on October 17, 2009. She was charged in the District Court of Sedgwick County, Kansas, in case number 2009-TR-023175-MT, and the case remains pending.

6. [REDACTED]

7. [REDACTED]

8. By letter dated March 2, 2010, the Board's investigator advised Licensee that the Board had received the foregoing information and requested that Licensee contact the investigator.

9. To date, Licensee has not responded to the letter, nor has the letter been returned.

CONCLUSIONS OF LAW

10. 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, upon making any of the findings listed under K.S.A. 65-1120(a).

11. In addition to any other penalty prescribed by law, the Board may assess a civil fine against a licensee for a violation of law or rule and regulation applicable to the practice for which the license is granted. K.S.A. 74-1110.

12. The Board has jurisdiction over the Licensee and the subject matter of this action.

13. Licensee is subject to action against her license on the following grounds:

- 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 as defined by K.A.R. 30-3-110(s), by failing to complete the requirements of the impaired provider program of the board; and
- c. K.S.A. 65-1120(a)(6), 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.

14. Licensee's conduct described herein violates the Kansas Nurse Practice Act.

15. K.S.A. 77-537 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.


16. The role of the Kansas State Board of Nursing is to protect citizens of Kansas, and based on the evidence available to the Board, revocation of Licensee's license would serve that purpose.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT Licensee's license to practice nursing in the state of Kansas is REVOKED. Licensee shall not practice nursing in the state of Kansas after the effective date of this order unless and until the license is reinstated upon a sufficient showing of rehabilitation.

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.


Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 30th day of March 2010, a true and correct copy of the foregoing Summary Order was deposited the same in the United States Mail, first-class postage prepaid, addressed to the following:

Leah Hall
234 N Brunswick Apt 2
Wichita, KS 67212


Brenda J. Clary, #18770
Assistant Attorney General