

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JUN 13 2011

KSBN

IN THE MATTER OF

ALICE M. MUHINDURA

License No. 23-35579-071

Case No. 09-962-7

SUMMARY ORDER

Now this 13th day of June, 2011, 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 LPN license of Alice M. Muhindura by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Applicant is licensed as an LPN to practice nursing in the state of Kansas through 07/31/2011. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Applicant's address of record is 545 Lowell Ave. #3, Kansas City KS 66101.
3. On or about 09/28/2009, the Board received information regarding Respondent, alleging that Respondent called in a prescription for Lortab, a prescription only drug, for herself.
4. Review of the report and other information gathered by the Board revealed the following information upon which this action is based.
5. On or about 8/21/2009, Respondent was charged with one count of obtaining a prescription only drug by fraudulent means, in violation of K.S.A. 21-4502(1)(a). This charge, case number 09CR02151, occurred in Johnson County District Court.
6. On or about 2/18/2010, Respondent was granted a diversion in case number 09CR02151.
7. On or about 11/18/2010, a motion to revoke diversion was filed in case number 09CR02151.
8. On or about 4/29/2011, the Respondent plead guilty to one count of obtaining a prescription only drug by fraudulent means, in violation of K.S.A. 21-4502(1)(a) in case number 09CR02151.
9. On or about 4/29/2011, probation was granted for Respondent in case number 09CR02151. Probation was granted for a term of twelve (12) months.

CONCLUSIONS OF LAW

1. 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. 62-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120 no license, certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto;
 - b. K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the Board, KAR 60-3-110(a), performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.
2. K.S.A. 77-511(a)(2)(A) and K.S.A. 77-537 of the Kansas Administrative Procedure Act authorize the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and 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.

POLICY STATEMENT

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

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT:

1. **Applicant's LPN license to practice nursing in the state of Kansas is revoked.**

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.

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.

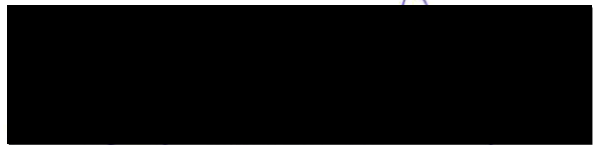


Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 13th day of June, 2011, 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:

Alice Muhindura
545 Lowell Ave. #3
Kansas City KS 66101



Danielle Sanger #24587
Assistant Attorney General