

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

DEC 19 2014

IN THE MATTER OF

KIYANE N. TUCKER

License No. 23-35807-121(Reinstatement)

KSBN

Case No. 14-943-8

SUMMARY ORDER

Now this 19th day of December 2014, 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 (LPN) Reinstatement Application of Kiyane N. Tucker, (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant let her LPN nursing license lapse on or about 12/31/2013. She filed a reinstatement application on or about May 30, 2014. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Applicant's address of record is 2624 Whitmore Dr., Lawrence, Kansas 66046.

(c) In Board of Nursing Case No. 06-447-8, the applicant filed an initial application for licensure. Her criminal record showed a some criminal history, specifically, a prior successful diversion in a Driving While Suspended criminal case and a 1997 felony conviction for cocaine possession. She was granted a license. In Board of Nursing Case No. 09-1348-8, applicant failed to report her past criminal convictions on her 2009 renewal. Applicant agreed to complete education but failed to complete it until after the matter was referred to the disciplinary counsel.

(d) In the above captioned case, applicant failed to report her most recent criminal convictions. Specifically she failed to report the following:

1. On September 22, 2013 she was charged with Operating a Motor Vehicle Under the Influence (OUI) and Transporting an Open Container in Case No. 2013-TF-0002693-MF in the Municipal Court of Lawrence, Kansas. Applicant was convicted of OUI on March 27, 2014 and the other charge was dismissed.

2. On January 28, 2014, applicant was pulled over for Driving While Suspended (DWS) in the Municipal Court of Lawrence, Kansas and issued a ticket. Applicant was convicted on March 27, 2014 .

3. On January 30, 2014, applicant was again charged with OUI, a Defective Headlamp, Driving While Suspended and Transporting an Open Container in the Municipal Court of Lawrence, Kansas, Case No. 2014-TF-0000290-MF. On March 27, 2014 applicant was convicted of her second OUI and the rest of the charges were dismissed.

4. On February 28, 2014 applicant was pulled over and issued a ticket for Defective Headlamp, no Left Side Mirror and Driving While Suspended (DWS). She was convicted of DWS in Case No. 2014-TF-0000584-MF on March 27, 2014. The other charges were dismissed.

5. Applicant was sentenced on May 6, 2014. She spent thirty (30) days in jail and was on house arrest for 70 days. She was required to install an ignition interlock device on her car for two years. Her driver's license was suspended from April 16, 2014 to January 16, 2015. Her driver's license was also suspended for a chemical test failure from March 1, 2014 to March 2, 2015.

(e) Applicant failed to report the above convictions and restrictions on her driver's license to the Board. When interviewed by the nurse investigator on 7/7/2014, the applicant reported that she did not report the convictions because she lied, and she "figured" if the Board needed the information the Board would let her know.

(f) Applicant failed to report that her employment was terminated by the employers listed on her reinstatement application.

(g) The Kansas Board requests that the Applicant's application for reinstatement be denied.

CONCLUSIONS OF LAW

2. 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. 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;
- (b) K.S.A. 65-1120(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...;
- (c) K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to furnish the board or its investigators, or its representatives with any information legally requested by the board; K.A.R. 60-3-110(f).

3. Applicant's conduct described herein violates the Kansas Nurse Practice Act.

4. K.S.A. 77-511(a)(2)(A) 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.


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

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

1. Applicant's application to reinstate is denied.
2. Applicant shall not practice nursing in the state of Kansas.
4. Applicant shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective date of this Order.

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.

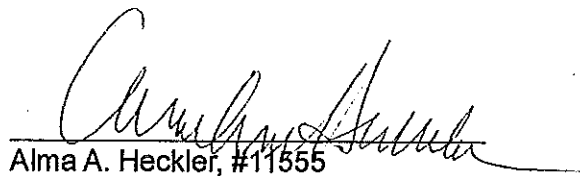
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 19th day of December, 2014, 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:

Kiyane N. Tucker
2624 Whitmore Dr.
Lawrence, Kansas 66046


Alma A. Heckler, #11555
Assistant Attorney General