

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JUL 15 2014

IN THE MATTER OF MICHELLE DAWN SANI

KSBN

License No 23-35977-122

Case No. 14-988-5

SUMMARY ORDER

NOW ON THIS 15th day of July, 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 proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. This Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 10253 Benson Apt 1 Overland Park, Kansas 66212-4204.
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. Review of the information gathered by the Board revealed the following upon which this action is based.
 - (a) According to a report, it is alleged that while licensee was employed by Cypress Springs, Wichita, Kansas , licensee failed to take appropriate action with a resident D.H.
 - (b) Licensee was terminated from her employment.
 - (c) This incident allegedly occurred on or about the 18th day of March, 2014.

(d) Licensee was contacted in a letter from the Investigator assigned to this case on the 26th day of June, 2014 and she failed to respond.

5. This Licensee violated the Nurse Practice Act by unprofessional conduct by accessing patients records and failing to respond to investigators contact.

CONCLUSIONS OF LAW

a. K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patients KAR 60-3-110 (c).

b: K.S.A. 65 1120(a)(6) unprofessional conduct by failing to report verbal abuse, which shall be defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonable be expected to results in the patient's unnecessary fear, emotional distress or mental distress." KAR 60-3-110 (g)

c. K.S.A. 65-1120 (6) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

6. 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 authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.

7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patients KAR 60-3-110 (c).

Count 2: K.S.A. 65 1120(a)(6) unprofessional conduct by failing to report verbal abuse, which shall be defined as any word or phrase spoken inappropriately to or in the presence of a patient that results in or might reasonable be expected to results in the patient's unnecessary fear, emotional distress or mental distress:" KAR 60-3-110 (g)

Count 3: K.S.A. 65-1120 (6) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings do not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.

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

POLICY STATEMENT

1. Failure to follow policies and procedures of a medical facility is detrimental to good nursing and violates the public trust in violation of the Kansas Nurse Practice Act.
2. Failure to respond to the investigators letter shows complete disregard of the nurse's accountability.

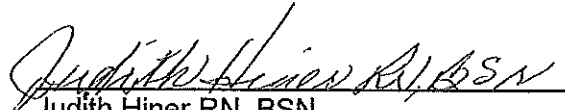
IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. **Licensee's license to practice nursing in the state of Kansas is revoked**
2. **Licensee shall pay \$70.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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.

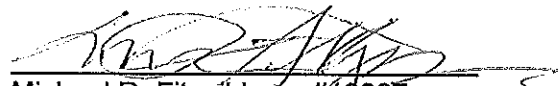
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


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

CERTIFICATE OF SERVICE

On the 15th day of July, 2014, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Michelle Dawn Sani
10253 Benson Apt 1
Overland Park, Kansas 66215-4204


Michael R. Fitzgibbons #12287
Assistant Attorney General