

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

FILED

IN THE MATTER OF MICHELLE DAWN SANI

MAY 04 2015

License No 23-35977-122 REINSTATEMENT PENDING

KSBN

Case No. 14-1816-5

SUMMARY ORDER

NOW ON THIS 4th day of May, 2015, 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 has an application for reinstatement pending 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 5411 Spruce Street Wichita, Kansas 67206.
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/Applicant was contacted in a letter from the Investigator assigned to this case on the 26th day of June, 2014 and she failed to respond.
- (e) It is alleged that while licensee was employed by Overland Park Nursing Rehab licensee failed to follow policies and procedures in regards to documentation and assessment.
- (f) Licensee was terminated from her employment on the 11th day of November 2011.
- (g) It is alleged that while licensee/applicant was employed at Hoeger House in Olathe, Kansas licensee falsified documents.
- (h) Licensee was terminated from her employment on the 23rd day of July, 2012.
- (i) It is alleged that while licensee/applicant's license was revoked, licensee worked from the 4th day of August, 2014 to the 21st day of August, 2014.
- (j) Licensee/Applicant has a pending Application for Reinstatement dated 12th day of November 2014.

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)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- c. K.S.A. 65-1120 (e) (3) professional incompetence as defined as a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing
- d. K.S.A. 65-1120(a)(6), unprofessional conduct practicing without a license or while license has lapsed K.A.R. 60-3-110 (v).

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)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 3: K.S.A. 65-1120 (e) (3) professional incompetence as defined as a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing

Count 4: K.S.A. 65-1120(a)(6), unprofessional conduct practicing without a license or while license has lapsed K.A.R. 60-3-110 (v).

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

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

POLICY STATEMENT

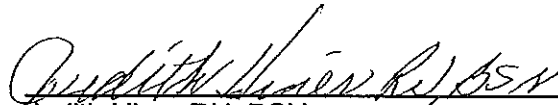
1. Failure to follow policies and procedures of a medical facility is detrimental to good nursing and violates the public trust in violation of the Kansas Nurse Practice Act.
2. Practicing nursing when her license was revoked shows complete disregard of the nurse's accountability.

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

1. **Applicant/Licensee's reinstatement application to practice nursing in the state of Kansas is denied**
2. **Licensee shall pay \$100.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

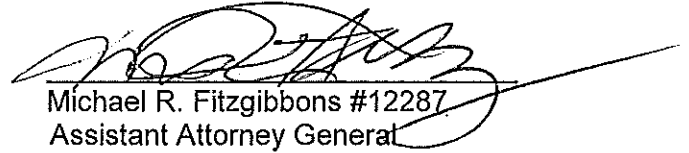
Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for hearing. If you desire a hearing, you must submit or direct a **written** request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (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 4th day of May, 2015, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:
Michelle Dawn Sani
5411 Spruce
Wichita, Kansas 67206


Michael R. Fitzgibbons #12287
Assistant Attorney General