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BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
JACQUELINE D. MENDOZA
License No. 23-36169-041**

Case No. 09-1251-5

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PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 28th day of January, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, Assistant Attorney General, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing as an LPN in Kansas through 4/30/2015 and was licensed to practice nursing at the time of the misconduct alleged in the petition. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent requested a hearing on the petitioner's Summary Order filed on July 16, 2013 in the above captioned matter. Petitioner filed a petition on November 12, 2013. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. The Presiding Officer called respondent at the phone number respondent provided to conduct the prehearing. Respondent did not answer and the presiding Officer left a message for respondent to call the Board immediately. Respondent did not call the Board prior to the close of the business day on 1/28/2014. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's LPN license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.

5. Per Petitioner's request, Respondent's license to practice nursing is revoked
Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas nursing certificate and any license cards in his or her possession to the Kansas State Board of Nursing.
8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.
9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
10. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.




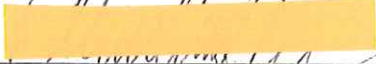
Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.


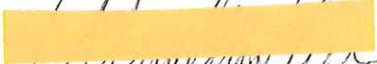
Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.



Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 3rd day of February, 2014, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Jacqueline Mendoza
310 Wedgewood
Hesston, Kansas 67062



Alma A. Heckler, #11555
Assistant Attorney General

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**IN THE MATTER OF
JACQUELINE D. MENDOZA
License No. 23-36169-041**

Case No. 09-1251-5

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, and for its cause of action states that:

1. Respondent, Jacqueline D. Mendoza, is licensed to practice nursing in Kansas through 4/30/2015. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 310 Wedgewood, Hesston, Kansas 67062.
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. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:
 - (a) The Board filed a Summary Order requesting suspension of the Respondent's license on July 16, 2013 and alleged the following facts:

On or about October 29, 2009, the Licensee tested positive for marijuana. She completed a pre-employment drug screen. The Board offered to resolve the case on

12/29/2010. The Licensee accepted the offer by letter dated 1/10/2011 and agreed to complete four (4) quarterly urinary drug screens (UDS) supervised by her employer. If Licensee completed the four UDS and tested negative the Board agreed to inactivate her case without any further action. Two UDS test results were submitted on 1/21/2011 and 6/30/2011. The test results were negative.

Licensee has failed to submit any further UDS test results to the Board. The Board reopened the investigation in Case No. 09-1251-5. The Board contacted her by letter dated April 30, 2013. She was reminded that she had failed to submit all of the UDS required.

Licensee contacted the Board on 5/10/2013 in response to the letter and reported that she believed it was the responsibility of her former employer to assure the quarterly UDS were completed. Licensee did not report when and why she left her prior employment.

Licensee reported on 5/10/2013 that she had been arrested for driving under the influence (DUI) in September 2011. The DUI arrest occurred two months after her second UDS results were received. Her driver's license was restricted and she received a diversion in the criminal case. Licensee failed to report the license restrictions on her 2013 renewal application. Licensee was asked to supply a copy of her driving record and an explanatory letter, but nothing has been received. The above captioned case was referred for discipline in June 2013.

(b) Respondent's LPN license was suspended on or about 8/5/2013 after she failed to appeal the Summary Order. Respondent's license remains suspended because she has not complied the Summary Order or with the 1/10/2011 agreement to submit four (4) negative

urinary drug screens (UDS), to supply a copy of her driving record and explanatory letter regarding a Driving Under the Influence (DUI) conviction.

(c) Respondent has not contacted the Board or supplied any of the items ordered by the Board and has not complied with the agreement she entered into with the Board on 1/10/2011.

(d) Board had given Respondent several opportunities provide the Board with information she agreed to supply to the Board and maintain her license. Respondent has failed to comply and the Board requests revocation of her license.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65 1120(a)(4) to be unable to practice with skill and safety due to current abuse of drugs or alcohol;

Count 2: 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;

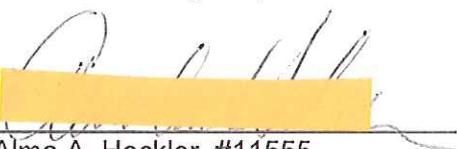
Count 3: K.S.A. 65-1120(a)(1) to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the at least the amount of \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:


Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
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Topeka, KS 66612