

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
JANINE M. MARTENS  
License No. 23-36184-101**

**FILED**

**NOV 07 2011**

**KSBN**

**Case No.11-1281-3**

**SUMMARY ORDER**

Now this 3<sup>rd</sup> day of Nov., 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 nursing license Janine M. Martens by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Respondent is licensed as an LPN in the state of Kansas. The Board has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent's address of record is 1015 N Santa Fe, Salina KS 67401.
3. On or about 8/29/2011, the Board received Respondent's renewal LPN application to practice nursing in the state of Kansas.
4. Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
5. Respondent answered "no" to the question about whether she had obtained the 30 hours of Continuing Nursing Education (CNE) required for license renewal pursuant to K.S.A. 65-1117(a) and KAR 60-9-106(a).
6. Respondent is not a first time renewal expiring within 30 months following licensure examination or a renewal expiring within 9 months of reinstatement or endorsement, either of which would be an exception to the requirement for CNE.
7. Respondent, upon request, has not submitted proof of the required 30 hours of approved CNE allegedly obtained between the dates of 11/01/2009 and 8/29/2011, the Respondent's prior licensing period, in order to qualify for renewal of the nursing license.
8. To date, Respondent has not provided the Board with 30 hours of approved CNE obtained during her prior licensing period.

### CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1117(a) and KAR 60-9-106(a)-(b) each applicant for renewal of a Kansas nursing license shall submit proof of completion of 30 hours of approved CNE obtained within the prior licensing period.
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)(7), willfully violating any of the provisions of the Kansas Nurse Practice Act and K.S.A. 65-1117(a) and KAR 60-9-106, every licensee with an active nursing license shall submit with the renewal application evidence of satisfactory completion of a program of CNE as required by the Board which is 30 hours of approved CNE obtained within the prior licensing period.
3. Respondent's conduct described herein violates the Kansas Nurse Practice Act and renders the Respondent non-qualified for the renewal license obtained.
4. 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. Continuing Education is a mandate by the state legislature and is intended to build upon the educational and experiential bases of the nurse for the enhancement of practice, education, administration, research or theory development to the end of improving the health of the public.
2. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

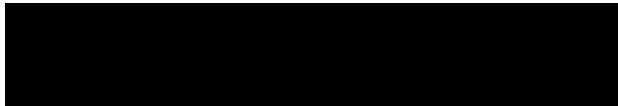
### **IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT:**

1. **Respondent'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.

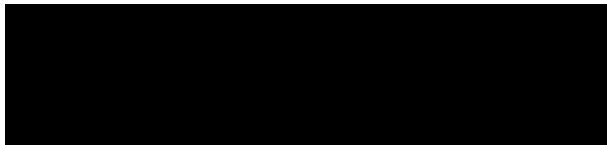


Judith Hiner, RN, BSN  
Investigative Committee, Chair  
Kansas State Board of Nursing

**CERTIFICATE OF SERVICE**

I certify that on the 7<sup>th</sup> day of November, 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:

Janine Martens  
1015 N Santa Fe  
Salina KS 67401



Danielle Sanger #24587  
Assistant Attorney General