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JAN 5 2011

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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
RUTH A. WAGGONER
License No. 23-37221-061**

Case No. 09-625-3

SUMMARY ORDER

Now this 6th day of January, 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 of Ruth A. Waggoner by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Respondent is licensed to practice nursing 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 413 S. Phillips Ave., Salina KS 67401.
3. On or about 02/25/2008, the Board received Respondent's initial LPN application to practice nursing in the state of Kansas.
4. On her initial application, Respondent answered "yes" to the question about whether she had ever been convicted of a misdemeanor.
5. On her initial application, Respondent also answered "yes" to the question about whether she had ever been convicted of a felony.
6. Upon request, Respondent submitted documents to the Board which explained her above-referenced misdemeanor convictions.
7. Respondent also submitted a letter, dated 3/16/2008, which explained that the conviction that she thought was a felony was actually a misdemeanor charge that was dismissed upon payment of restitution to the court.
8. In a letter dated 3/20/2008, the Board informed Respondent, "Since the above misdemeanor convictions are now known to the KSBN, you are required to answer 'yes' to the misdemeanor conviction question on any/all future nursing applications submitted to the KSBN."
9. On or about 6/25/2009, Respondent submitted an online renewal application to the Board.
10. On her 6/25/2009 application, Respondent answered "no" to the question about whether she had ever been convicted of a misdemeanor.

11. In a letter dated 9/1/2010, Board investigator, Kathleen D. Chalkley, informed Respondent that a case had been opened to check on information regarding Respondent's answers on her 6/25/2009 renewal application.
12. On or about 9/8/2010, the 9/1/2010 letter was received by the Board as "Return To Sender, Not Deliverable as Addressed, Unable to Forward."
13. From 9/9/2010 to 10/5/2010, eight (8) attempts were made by Board investigator, Kathleen D. Chalkley, to contact Respondent by phone, but the attempts were unsuccessful.
14. In a letter dated 12/16/2010, Respondent was informed that Board investigator, Kathleen D. Chalkley, had transferred her case to the Board's disciplinary counsel.

CONCLUSIONS OF LAW

1. 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 Respondent, 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 Respondent 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 attempting to procure a license to practice nursing;
 - b. K.S.A. 65-1120(a)(6), to be guilty of unprofessional conduct as defined by rules and regulations of the Board, by KAR 60-3-110(t), failing to furnish the board, its investigators, or its representatives with any information legally requested by the board;
 - c. K.S.A. 65-1120(a)(7), to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act, including K.S.A. 65-1114 and 65-1122 and amendments thereto, by K.S.A. 65-1117(c)(1)(A), each licensee shall notify the board in writing of a change in name or address within 30 days of the change.
2. Respondent's conduct described herein violates the Kansas Nurse Practice Act.
3. 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. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
2. Truthfulness is a hallmark of the nursing profession and is required to ensure accurate communication of all nursing actions.

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.


Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 6th day of January, 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:

Ruth Waggoner
413 S. Phillips Ave.
Salina KS 67401


Danielle Sanger #24587
Assistant Attorney General