

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

FILED  
MAY 26 2016  
KSBN

IN THE MATTER OF  
LYDIA WILLIAM MBULI

OAH Case No. 16BN0082

License No. 23-37427-062  
Case No. 14-1406-6

**NOTICE OF PROPOSED DEFAULT ORDER**  
**AND**  
**PROPOSED DEFAULT ORDER**

This matter comes on for consideration by the presiding Administrative Law Judge (ALJ) to enter a Proposed Default Order against respondent, Lydia William Mbuli.

Wherefore, the presiding ALJ finds as follows:

1. The respondent is licensed to practice nursing in Kansas through June 30, 2016.
2. The Petitioner, the Kansas State Board of Nursing Board (Board), has jurisdiction over the respondent and the subject matter of this action.
3. On November 19, 2015, a Petition was filed by the Board seeking revocation of the respondent's nursing license. It was sent to her at her last known address and was not returned as undeliverable.
4. On March 30, 2016, a Notice of Prehearing Conference was sent to the respondent. The conference was scheduled for May 24, 2016 at 9:00 a.m. The notice was not returned as undeliverable.

5. On May 24, 2016, a prehearing conference was convened. The Board appeared by disciplinary counsel, Bryce D. Benedict. The respondent did not appear in person or by phone.
6. Pursuant to Kansas Statutes Annotated (K.S.A.) 77-520(a), “[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order.”
7. The respondent is in default pursuant to K.S.A. 77-520.
8. This Proposed Default Order shall become effective and deemed an initial order, seven days after service or ten days after mailing of this order unless the respondent files a written motion stating why the Proposed Default Order should be vacated and the order is then vacated. A motion to vacate shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka KS 66612-1230, with a copy to be mailed or personally delivered to: Sandra L. Sharon, Administrative Law Judge, Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, KS 66612-1327.
9. If this Proposed Default Order becomes effective, the allegations contained in the Petition will be deemed uncontroverted and the Petition will be granted and incorporated into this order as if fully set forth herein. The respondent’s license to practice nursing will be revoked. The respondent

will immediately forward his or her original Kansas nursing license to the Board.

10. In addition, costs of the action in the amount of \$100.00 will be assessed to the respondent to be paid to the Board by cashier's check or money order within 30 days of the effective date of this order.

The presiding ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the respondent. It shall take effect as specified in the above findings.

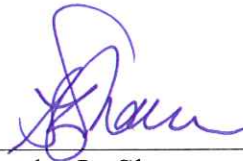
**IT IS SO ORDERED.**

### Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-520, if the proposed default order becomes effective, it is deemed an initial order, as set forth above. Pursuant to K.S.A. 77-527, either party may request review of the initial order by filing a petition for review with the Kansas State Board of Nursing within 15 days from date the order is deemed an initial order. Failure to timely request review may preclude further judicial review. Petitions for review shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka, KS 66612-1230.

If neither party requests review, the initial order becomes a final order and is binding on the 30th day following its mailing.

A party may seek judicial review of a final order by filing a petition for judicial review pursuant to K.S.A. 77-601, *et seq.* Reconsideration of a final order is not a prerequisite to judicial review. A copy of any petition for judicial review shall be served on Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.



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Sandra L. Sharon  
Administrative Law Judge  
Office of Administrative Hearings  
1020 S. Kansas Ave.  
Topeka, KS 66612-1327

CERTIFICATE OF SERVICE

On May 25, 2016, I mailed this original document through State Building Mail to:

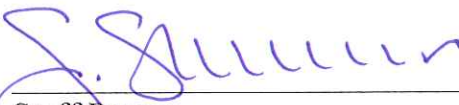
Mary Blubaugh  
Executive Administrator  
Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-4325

and a copy of this document through State Building Mail to:

Bryce D. Benedict  
Assistant Attorney General  
Disciplinary Counsel for the Kansas State Board of Nursing  
900 SW Jackson, LSOB, Ste. 1051  
Topeka, KS 66612  
Telephone: 785-296-4325

And a copy of this document through first class mail to:

Lydia Mbuli  
1932 E Wyndham Road  
Park City, KS 67219

  
\_\_\_\_\_  
Staff Person  
Office of Administrative Hearings

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

NOV 19 2015

KSBN

**IN THE MATTER OF  
Lydia William Mbuli**

**License No. 23-37427-062  
Case No. 14-1406-6**

**PETITION**

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

1. Respondent, Lydia Mbuli, is licensed to practice nursing in Kansas through June 30, 2016. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 1932 E. Wyndham Rd, Park City KS 67219.
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 et seq., 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.

**STATEMENT OF FACTS**

5. The facts below are common to all counts:
  - (a) At all times relevant to this Petition the Respondent was employed as a nurse at Life Care Center of Andover.
  - (b) The Respondent neglected the care of residents under her charge by:
    - (1) Directing staff under her to not answer call lights;

- (2) Directing staff under her to not check on residents at night;
  - (3) Directing staff under her to not pass ice water to residents ; and
  - (4) Directing staff under her to keep closed the doors of residents who were fall risks.
- (c) All of the above were done in order to minimize the amount of work and care the Respondent had to provide, and for the sole benefit of the Respondent, and not because of any medical need.
- (d) On or about May 29, 2014 Respondent was terminated by Life Care Center of Andover for neglect and abuse of residents.

### VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(1), to be guilty of fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(3), to have committed acts of professional incompetency.

Count 3: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient.

Count 4: K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110, to be guilty of unprofessional conduct as defined by rules and regulations of the board; to wit: physical abuse, which is defined as any act or failure to act performed intentionally or carelessly that causes or is likely to cause harm to a patient, i.e. failures or omissions to provide any goods or services that are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm.

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.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By: 

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Bryce D. Benedict, #11663  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612