

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

IN THE MATTER OF
Andrea Cortez

License No. 23-39768-012/Reinstatement
Case No. 12-717-3

SUMMARY ORDER

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. Applicant, Andrea Cortez, had her license revoked by Summary Order on January 31, 2013. Applicant filed an application for reinstatement on May 26, 2015. The Board has jurisdiction over the applicant and the subject matter of this action.
2. A person may secure a reinstatement of a license by making verified application therefor on a form provided by the board, by rules and regulations, and upon furnishing proof that the applicant is competent and qualified to act as a registered professional nurse or licensed practical nurse and by satisfying all of the requirements for reinstatement including payment to the board of a reinstatement fee as established by the board.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent is neither competent nor qualified to practice, and referred this matter for further proceedings.
4. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law, 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, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.

STATEMENT OF FACTS

5.

- (a) Applicant was referred to KNAP on or about June 11, 2012. Applicant's KNAP file was closed on or about August 16, 2012 due to her failure to comply with the KNAP program.
- (b) Applicant had her license revoked by Summary Order on January 31, 2013
- (c) Applicant filed an application for reinstatement on May 26, 2015.
- (d) The Investigative Committee of the Kansas State Board of Nursing, on or about June 17, 2015, again referred the Applicant to KNAP, and advised Applicant her reinstatement would be approved after she had been compliant with the program for six months.
- (e) Applicant signed a KNAP contract on or about September 25, 2015. By January 13, 2016 Applicant had accomplished her third incidence of non-compliance with the KNAP program and her file was again closed.

6. The evidence before the Board shows that the applicant is neither competent nor qualified to practice nursing, and that the safety of the citizens of Kansas is protected by denying the application for reinstatement.

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

- 1. Applicant's application for reinstatement is denied.**
- 2. Licensee shall not practice nursing in the state of Kansas.**

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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof. 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.



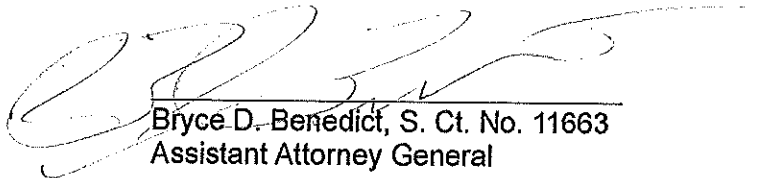
Judith Hiner, RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 30th day of March, 2016, 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:

Andrea Cortez
1019 N. 11th Street
Salina KS 67401

Larry Michel
KENNEDY BERKLEY
PO Box 2567
Salina KS 67402-2567



Bryce D. Benedict, S. Ct. No. 11663
Assistant Attorney General