

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAR 3 2011

KSBN

**IN THE MATTER OF
CHELSEA M. RUPP
License No. 23-39952-031**

Case No. 09-867-3

ORDER TO REMOVE LIMITATIONS FROM LPN LICENSE

Now on this 3rd day of March, 2011 the Petitioner, the Board, through Assistant Attorney General Danielle R. Sanger, moves to remove the limitations from Licensee's LPN license in the state of Kansas. Licensee's LPN license to practice nursing was limited pursuant to a Summary Order entered in the above captioned case and dated December 28, 2009.

Among the limitations:

1. Licensee is not authorized to receive or transcribe physicians' orders;
2. Licensee is not authorized to perform any IV functions;
3. Licensee must have on-site registered nurse supervision at all times;
4. Licensee must provide copies of the following to any and all employers:
 - a. October 2005 psychological report by Hays West Central Kansas Special Education Cooperative,
 - b. October 16, 2009, letter from Jane Kohrs, Ph.D., and
 - c. this Order.
5. Licensee may petition the Board to lift limitations after one year of employment demonstrating the ability to practice with skill and safety.

Petitioner has received documentation showing that the Licensee has complied with the limitations for one year while employed. Licensee has demonstrated the ability to practice with skill and safety. The period of said limitations has ended. The hearing officer orders that the above-referenced limitations are removed from Licensee's LPN license.

IT IS SO ORDERED.

[Redacted]

Danielle R. Sanger, #24587
Assistant Attorney General

[Redacted]

Sandra L. Sharon, Presiding Officer

NOTICE OF RIGHT TO APPEAL

The procedures available and time limitations for seeking review or other relief as follows:
Any party, within fifteen (15) days after service of this notice, may file a petition for review with the agency head. Send your request to:

Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing
Landon State Office Bldg.
900 SW. Jackson, Suite 1051
Topeka, KS 66612-1230.

The petition for review shall state its basis, pursuant to K.S.A. 77-527.

CERTIFICATE OF SERVICE

On the 7th day of March, 2011, I hereby certify that copies of the above and foregoing **ORDER TO REMOVE LIMITATIONS FROM LPN LICENSE**, were placed in the U.S. Mail, postage prepaid, addressed to:

Chelsea M. Rupp
1504 Haney Dr
Hays KS 67601

[Redacted]

Danielle R. Sanger, #24587
Assistant Attorney General

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Topeka, Kansas 66612-1230

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DEC 30 2009

**IN THE MATTER OF
CHELSEA M. RUPP
License No.**

KSBN

Case No. 09-867-3

SUMMARY ORDER

Now this 28 day of December 2009, 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 issue a limited license to Chelsea M. Rupp (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Applicant submitted an application to practice nursing as a licensed practical nurse in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant's address of record is 1504 Haney Drive, Hays, KS 67601.
3. On or about August 31, 2009, the Board received Applicant's 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.
 - a. Applicant was diagnosed with a learning disability in elementary school and has received accommodations since, including during her nursing education.
 - b. Applicant's reading comprehension is approximately sixth grade level, and Applicant struggles with vocabulary.
 - c. Applicant does well as long as materials are read to her, although she may require additional time to process information.
 - d. Nursing school staff read examinations to Applicant, and with that assistance, she completed most in the allotted time with scores comparable to other students.
 - e. The disability is unlikely to change over time.
 - f. Applicant is hard-working and seeks out the assistance she needs.
 - g. Applicant passed the NCLEX examination without accommodations.
 - h. Applicant's application and related investigation establish that Applicant has satisfied all requirements for licensure.

CONCLUSIONS OF LAW

5. 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 upon making any of the findings listed under K.S.A. 65-1120(a).
6. The Board may limit the license of a person who demonstrates a manifest incapacity to practice nursing. K.S.A. 65-1120(a)(3); 65-1120(e)(3).

7. 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 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.

8. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.


9. The Board recognizes that the practice of nursing does not always allow for extra time to process information or for assistance with written information. In balancing the harm that could result from misunderstanding verbal instructions against the commendable efforts and progress of the Applicant, the Board finds that Applicant should be issued a license with limitations.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT Applicant's application to practice nursing in the state of Kansas is granted with the following limitations:

1. Licensee is not authorized to receive or transcribe physicians' orders;
2. Licensee is not authorized to perform any IV functions;
3. Licensee must have on-site registered nurse supervision at all times;
4. Licensee must provide copies of the following to any and all employers:
 - a. October 2005 psychological report by Hays West Central Kansas Special Education Cooperative,
 - b. October 16, 2009, letter from Jane Kohrs, Ph.D., and
 - c. this Order
5. Licensee may petition the Board to lift limitations after one year of employment demonstrating the ability to practice with skill and safety.

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
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 30th day of December 2009, I caused a true and correct copy of the above and foregoing Summary Order to be served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Chelsea M. Rupp
1504 Haney Dr.
Hays, KS 67601


Brenda J. Clary, #18770
Assistant Attorney General