

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

FILED
AUG 19 2013

**IN THE MATTER OF
DANELL SUE BRUNK
License No. 23-40261-051**

KSBN

Case No. 11-687-4

PETITION

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

1. Respondent, Danell Sue Brunk, is licensed to practice nursing in Kansas through 5/31/2015. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 302 N. West St., Buhler, Kansas 67522.
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, 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.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:
 - (a) Respondent was issued an original license in 2010 (Case No. 10-462-4) Her initial LPN license application reported a 2002 conviction for theft/shoplifting in the Newton, Kansas Municipal Court and a driver's license discipline due to a Driving Under the Influence diversion.

(b) Respondent was set a letter by the Kansas Board of Nursing in June of 2010 reminding her to report any and all convictions on each application and renewal.

(c) Respondent failed to report a new conviction of Unlawfully Obtaining a Prescription Only Drug , a misdemeanor in 2010. She was prosecuted for the crime in the Municipal Court of Hesston, Kansas. She completed a diversion in the case but not until January 16, 2011. Respondent failed to report the prior convictions, previously listed in Board Case No. 10-462-4 and the conviction for Unlawfully Obtaining a Prescription Only Drug on her May 2011 renewal.

(d) Respondent was convicted on or about March 27, 2013 of misdemeanor Theft of Property/Services and Criminal Damage to Property in Hutchinson Municipal Court. Respondent has failed to provide documentation of the conviction to the Board after Board requests.

(e) Respondent did not respond to attempts to contact her by the Board in 2011.

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 or in procuring or attempting to procure a license to practice nursing.

Count 2 K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by rules and regulations of the board; K.A.R. 60-3-110 (t) failing to furnish the board, its investigators, or its representatives with any information legally requested by the board.

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 in the at least the amount of \$70.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By: 

Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

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PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 30th day of September, 2013, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition.

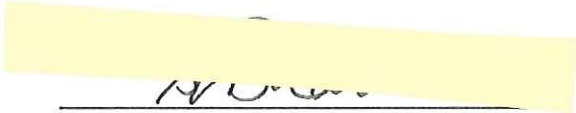
Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas until 5/31/2015. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per Petitioner's request, respondent's license is revoked. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.

8. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.



Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

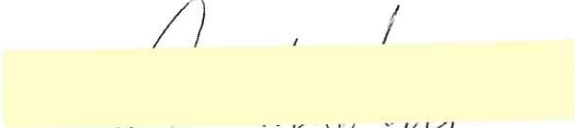
Pursuant to K.S.A. 77-531, if the initial order is served by mail, three days are added to the time limits set out above.


Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 2nd day of October, 2013, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Danell Sue Brunk
302 N. West St.
Buhler, Kansas 67522


Alma A. Heckler
Assistant Attorney General