

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF SHELBY RAE SCHAFFER**

License No 23-40627-042

Case No. 11-1486-4

**FILED**  
#1054  
MAR 28 2013 *plb*  
KSBN

**FILED OAH**  
22 MAR '13 PM2:28

**AMENDED PROPOSED DEFAULT ORDER TO REVOKE LICENSE**

NOW ON THIS 22<sup>nd</sup> day of March, 2013, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Michael R. Fitzgibbons, Assistant Attorney General, 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 through April, 2014. 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 to practice nursing 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. Respondent shall immediately forward his or her original Kansas nursing license to the Kansas State Board of Nursing.

8. 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.

9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

10. 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 30<sup>th</sup> 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.

  
\_\_\_\_\_  
Michael R. Fitzgibbons, #12287  
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 28<sup>th</sup> day of March, 2013, the foregoing copy of the PROPOSED DEFAULT ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Shelby Rae Schaffer  
304 East Grant Ave  
Greensburg, Kansas 67054-2417

  
Michael R. Fitzgibbons, #12287  
Assistant Attorney General

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF SHELBY RAE SCHAFFER**

License No 23-40627-042

Case No. 11-1486-4

FILED #721  
DEC 10 2012 pab

KSBN

**PETITION**

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

1. Respondent, Shelby Rae Schaffer, is licensed to practice nursing in Kansas through April, 2014. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 304 E. Grant Greensburg, Kansas 67504.
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) According to a report, it is alleged that on or about the 5<sup>th</sup> day of August, 2011, while you were employed by Kiowa County Memorial Hospital, you diverted two (2) Dillons gift cards that belonged to another employee.

- (b) It is further alleged that you used the gift cards for your own personal use.
- (c) Licensee was charged with misdemeanor theft on the 21<sup>st</sup> of September 2011 in Kiowa County District Court in Case No. 2011CR69.
- (d) She entered into a six (6) month Diversion Program and stipulated to the facts of the theft on the 27th day of October, 2011.
- (e) Licensee was suspended until further notice from her employment.
- (f) Investigator had offered continuing education on Kansas Nurse Practice Act, Professionalism and Nursing Ethics in lieu of discipline on the 6<sup>th</sup> day of July, 2012.
- (g) Licensee had completed Continuing Education that did not meet the requirements that were requested.
- (h) Legal Department restated the requested offer on the 20<sup>th</sup> of November, 2012.
- (i) Licensee has failed to complete the requested education.

#### VIOLATIONS

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

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

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 amount of \$70.00.

Respectfully submitted,

Derek Schmidt  
Kansas Attorney General

By: \_\_\_\_\_

Michael R. Fitzgibbons #1228  
Assistant Attorney General  
Kansas State Board of Nursing  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612