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

FILED

OCT 07 2014

IN THE MATTER OF LYDIA MARIE MOHAMMED

KSBM

License No 23-40960-061

FILED OAH

Case No. 11-1483-9

FILED PH:SS

PROPOSED DEFAULT ORDER TO REVOKING LICENSE

NOW ON THIS 3rd day of October, 2014, 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. 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 in the State of Kansas is revoked.
6. Cost 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. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
9. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.



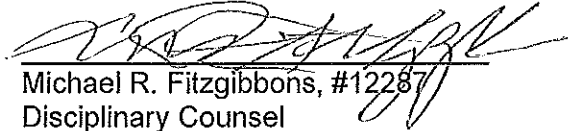
Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

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.

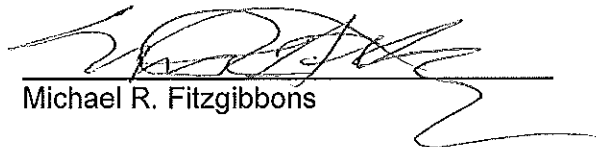


Michael R. Fitzgibbons, #12287
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 7th day of October, 2014, 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:

Lydia Marie Mohammed
5419 Turkeyfoot Lane Apt A
Manhattan, Kansas 66503



Michael R. Fitzgibbons

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

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APR 18 2014

IN THE MATTER OF LYDIA MARIE MOHAMMED

KSBN

License No 23-40960-061

Case No. 11-1483-9

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, Lydia Marie Mohammed, is licensed to practice nursing in Kansas through June, 2015. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 5419 Turkeyfoot Lane Apt A Manhattan, Kansas 66503.
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) Licensee requested current LPN license in order to enter an RN program.

- (b) LPN licensee had lapsed on the 30th of June 2011 and completed reinstatement application.
- (c) Represented herself to a Ft Riley detective as an LPN when license had lapsed and not issued a temporary permit until the 22nd day of August, 2011.
- (d) While a patient at Irwin Army Hospital, licensee accessed computer while Doctor was out of the room and ordered two prescriptions for herself from hospital pharmacy.
- (e) Licensee was convicted of misdemeanor for unlawful acts concerning computers on the 12th day of July, 2012.
- (f) Licensee was referred to KNAP for evaluation for safe to practice.
- (g) Licensee was also requested to complete CNE's two hours on the Kansas Nurse Practice Act and three-six (3-6) hours of CNE on the Health Insurance Portability and Accountability Act (HIPPA).
- (h) On or about the 7th day of January, 2013, KSBN received a written response from licensee agreeing to complete these CNE's.
- (i) Licensee failed to complete the CNE requested on the Kansas Nurse Practice Act.
- (j) Licensee entered KNAP program on the 3rd day of April, 2013 in a Extended Evaluation Program.
- (k) Licensee completed the requested CNE's and the case was deactivated as licensee was participating in the KNAP program.
- (l) Licensee was notified of serious non compliance issues on the 7th day of January, 2014.
- (m) Licensee had a positive UDS for Tramadol on the 4th day of March, 2014.
- (n) KNAP treated this positive UDS as a relapse and offered licensee a three year contract.
- (o) Licensee refused the offer of a three year contract and her KNAP case was closed on the 20th day of March, 2014.

VIOLATIONS

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

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, by drug diversion K.A.R. 60-3-110(n);

Count 2: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 3: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

Count 4 K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

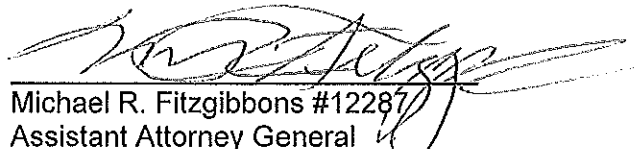
Count 5: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

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 #12287
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