

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

AUG 19 2011

**IN THE MATTER OF
DENISE KAY CARLSON
License No. 23-40970-022**

KSBN

Case No. 11-172-5

SUMMARY ORDER

Now this 19th day of August, 2011, 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 take disciplinary action against the licensed practical nurse license of Denise Kay Carlson, (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Licensee is licensed to practice nursing in the state of Kansas as a licensed practical nurse through 2/29/2012. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Licensee's address of record is 120 W. Kansas Ave., Riley, Kansas 66531.

(c) On or about 3/21/2011, Licensee entered a Plea Agreement Pursuant to Fed. R. Crim. P. 11(c)(1)(C) in the United States District Court for the District of Kansas in Case No. 11-40001-01-JAR. Licensee was charged with conspiring to distribute painkillers, specifically Oxycodone and Oxycontin.

(d) Licensee pled to the federal felony crimes and judgement and sentencing were held on June 27, 2011. As a part of the plea agreement the Licensee agreed to "to surrender permanently any nursing or other health care provider license she currently holds and further agrees to not apply for or reapply for any license that would allow her to work in the health care industry at any time in the future."

(e) The terms of the 3/21/2011 Plea Agreement were not modified by the Federal Judge at the time of the Licensee's judgement and sentencing.

(f) Licensee has failed to surrender her license to the Board as required by the Federal plea agreement.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65-1120(a), 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 or may publicly or privately censure a licensee or holder of a certificate of qualification or

authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(a) K.S.A. 65-1120(a)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation to warrant the public trust.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(a) Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed.

(c) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(n), diverting drugs, supplies, or property of any patient or agency.

(d) 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.

(e) K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

2. Licensee's conduct described herein violates the Kansas Nurse Practice Act.

3. 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.

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

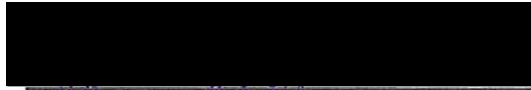
IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. Licensee's license to practice nursing in the state of Kansas is revoked on the effective date of this summary order.

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.

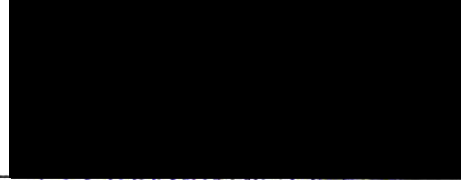


Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 19th day of August, 2011, 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:

Denise Kay Carlson
120 W. Kansas Ave.
Riley, Kansas 66531



Alma A. Heckler, #11555
Assistant Attorney General