

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED #1360
JUL 09 2013
RAB

IN THE MATTER OF ASHLEY NESANOEL MADDEN

KSBN

License No. 23-41604-071

Case No. 12-1155-3

SUMMARY ORDER

NOW ON THIS 9th day of July, 2013, 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 proposed to find facts and take disciplinary action against the reinstatement application of Applicant by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Licensee submitted a renewal application to practice nursing 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 311 S. Main, Zurich, Kansas 67663.
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. Review of the information gathered by the Board revealed the following information upon which this action is based.
 - (a) According to a report, it is alleged that licensee was arrested on the suspicion of possession of opiates/opium narcotic drugs and certain stimulants and possession of drug paraphernalia in Plainville, Kansas.
 - (b) This incident occurred on or about the 3rd day of May, 2012.
 - (c) The Respondent in this case was videotaped wearing a uniform without a name badge pretending to be in the PT Department and going into patient rooms.

(d) There were a series of thefts that were reported that occurred in HaysMed both in employees rooms and patients rooms.

(e) On May 8th, 2012, Respondent was charged with three counts of forgery, a Severity Level 8 Non person felony in Case No. 12CR203 in Ellis County, Kansas.

(f) On the 11th day of February, 2013, Respondent was convicted of two counts of forgery and sentenced to 10 months in the custody of KDOC with 18 months of probation.

5. This applicant violate the Nurse Practice Act by failing to notify KSBN of above convictions within 30 days as required.

CONCLUSIONS OF LAW

1. Pursuant to K.S.A. 65 1120(a)(1) applicant has shown unprofessional conduct by fraud or deceit in practicing nursing.
2. K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.
3. 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 authorization, if the applicant, licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.
4. The above fact findings established evidence that the applicant violated the following provisions of the Nurse Practice Act:

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)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

5. Licensee's conduct described herein violated the Kansas Nurse Practice Act and renders the Licensee non-qualified to practice nursing in the State of Kansas.
6. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings does not violated any provision of law and the protection of the public interest does not require the state agency to give notice and opportunity to participate to persons other than the parties.
7. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

POLICY STATEMENT

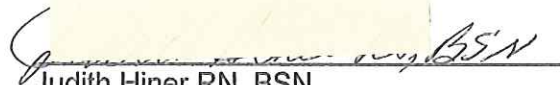
1. Truthfulness is a hallmark of the nursing profession and is required to ensure accurate communication of all nursing actions.
2. Trust is imperative in the nursing profession and criminal convictions regarding forgery Damage this trust and impair the nursing profession.

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.**

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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.

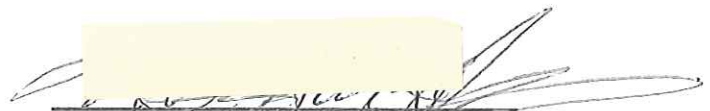
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 9th day of July, 2013, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Ashley Nesanoel Madden
311 S. Main
Zurich, Kansas 67663


Michael R. Fitzgibbons #12287
Assistant Attorney General