

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

FILED

IN THE MATTER OF DAWN MICHELLE KELLY

FEB 17 2015

License No. 23-42544-092

KSBN

Case No. 14-991-9

SUMMARY ORDER

NOW ON THIS 17<sup>th</sup> day of February, 2015, 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 renewal application of Licensee by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. Licensee is licensed to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 400 Maple Ridge Road Apt 5 Hesston, KS 67062.
3. On or about 16th day of July, 2014, the Board reviewed this case.
4. Review of the information gathered by the Board revealed the following information upon which this action is based.
5. According to a report:
  - a. While licensee was employed by Bethesda Home, Goessel, KS, licensee had an inappropriate relationship with a resident.
  - b. Licensee had been sending patient emails with pictures of her in lingerie.
  - c. Licensee was terminated for this behavior of exploitation of a patient.
  - d. This incident allegedly occurred on or about 23<sup>rd</sup> April 2014.
  - e. A police report was made from the Goessel Police Department

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 authorization, if the Licensee, licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:
  - a. Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct, exploitation, which shall be defined as misappropriating a patients property or taking unfair advantage of a patient's physical or financial resources for the licensee's or another individual's personal or financial advantage by use of undue influence, coercion, harassment, duress, deception, false pretense or false representation; KAR 60-3-110 (o).
2. Licensee's conduct described herein violated the Kansas Nurse Practice Act and renders the Licensee non-qualified for obtaining a renewal of his/her license.
- 3 K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorized by use of the summary proceedings does not violate 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.
- 4 The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

#### POLICY STATEMENT

1. Exploitation of a patient while in a vulnerable state damages the nursing profession and is a breach of the public trust placed with a nurse in the practice situation.

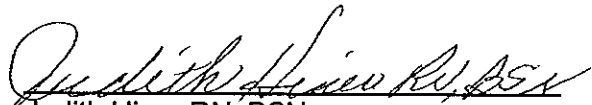
#### **IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT**

1. **Licensee's license to practice nursing in the state of Kansas is revoked.**

2. **Upon reinstatement in addition to the submission of the proper forms, fees and documentation of 30 hours of CNE, the Licensee will be required to submit proof of completion of a course of CNE that teaches about the Kansas Nurse Practice Act.**

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.

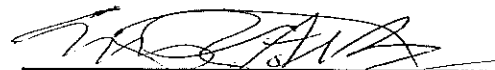
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.

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

CERTIFICATE OF SERVICE

On the 17<sup>th</sup> day of February, 2015, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Dawn Michelle Kelly  
400 Maple Ridge Road Apt 5  
Hesston, KS 67062

  
Michael R. Fitzgibbons #12287  
Assistant Attorney General