

KANSAS

Filed
JUL 13 2004
Board of Nursing

^{July 13, 2004}
KANSAS STATE BOARD OF NURSING

KATHLEEN SEBELIUS, GOVERNOR

MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

Cordelia Claiborne
7154 S. Rutan
Wichita, KS 67216

SUMMARY ORDER

Dear Ms. Claiborne:

The Disciplinary Committee of the Kansas State Board of Nursing has reviewed your application materials and on behalf of the Board members I am denying your reinstatement application to practice nursing as a licensed practical nurse. This denial is based upon the following:

FINDINGS OF FACT

1. Respondent has submitted an application for a reinstatement of her LPN licenses received by the Board 5/3/2004.
2. Licensee has a previous KSBN case: 98-0084-5. In this case the respondent was granted a suspended license with a stay if she continued to pay restitution to the Sedgwick County District Court on two convictions of criminal fraud. Sedgwick County Case numbers 97CR588 and 97CR598. In the 11/9/1998 Initial Order of the Board the stay was granted to the respondent as long as she demonstrated her rehabilitation by paying restitution as ordered by the county court, at the time of the order the restitution was \$62,063.92. Applicant allowed her Kansas licenses to lapse on 9/30/2003.
3. A check of the Sedgwick County District Court revealed that restitution payments have not been made since 4/27/2001. The balance of the amount owed has been turned over to a collection agency: MSB, PO Box 27000, Austin, TX 78755-1000. Phone 512-371-7915. The balances are now in excess of \$80,000 for each case. Reference numbers if contacted are Case 97CR588 is ref#182066, Case 97CR598 is ref#182067.
4. Due to the failure to maintain payments on the court ordered restitution, the respondent is not in compliance with the probation order, nor with the KSBN Order to pay restitution.

CONCLUSIONS OF LAW

5. K. S. A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found to be guilty of:

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 unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust, except that notwithstanding K.S.A. 74-120 no license, certificate of qualification or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article

34 of chapter 21 of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto.

6. K.S.A. 77-511(a)(2)(a) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application.
7. Your conduct described herein violates the Kansas Nurse Practice Act.
8. If the information provided is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.
9. 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.



Kelly Arpin, L.P.N.
Board Member

CERTIFICATE OF SERVICE

I certify that on the 13 day of July, 2004, 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:

Cordelia Claiborne
7154 S. Rutan
Wichita, KS 67216


Betty Wright
Assistant Attorney General