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KSBN

KANSAS STATE BOARD OF NURSING  
MARY BLUBAUGH MSN, RN, EXECUTIVE ADMINISTRATOR

KATHLEEN SEBELIUS, GOVERNOR

September \_\_\_\_\_, 2006

Mable M. Brown  
1221 W Bluff Dr  
Kansas City, MO 64108

Case No. 03-469-5  
License No. 24-031790-072

SUMMARY ORDER

Dear Ms. Brown:

The Disciplinary Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a licensed practical nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) During July of 2003 Applicant was offered a position with Presbyterian Manors, Inc., Wichita, Kansas. On or about 7/16/2003 Applicant submitted to a pre-employment drug screen. The drug was positive for cocaine. Presbyterian Manors, Inc. withdrew their offer of employment.
- (b) A KSBN investigation revealed that the applicant was convicted of the following criminal offenses in the state of Missouri:
  - On or about 1/27/92 applicant was convicted of 2nd Degree Property Damage, a Misdemeanor;
  - On or about 8/7/92 applicant was convicted of 2nd Burglary, a Felony;
  - On or about 6/11/99 applicant was convicted of Violating a Protective Order, a Misdemeanor;
  - On or about 6/11/99 applicant was convicted of 3rd Degree Assault, a Misdemeanor;
  - On or about 9/24/99 applicant was convicted of Stealing, a Misdemeanor;
  - On or about 9/24/99 applicant was convicted of 3rd Degree Assault, a Misdemeanor.
- (c) The KSBN investigation revealed further that on or about 9/9/03, when applying for the position at Presbyterian Manor, Inc., there was a question on the employment application which asked if the applicant had any criminal convictions. The applicant answered "No" to the question.
- (d) On or about 7/31/04 Applicant's license to practice nursing in Kansas lapsed.
- (e) Respondent submitted an application to the Board for reinstatement as a licensed practical nurse in the State of Kansas on or about 12/5/2005. On that reinstatement

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application was question which asked whether the applicant had ever been convicted of a felony or misdemeanor. The applicant answered "No" to the question.

CONCLUSIONS OF LAW

2. 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)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol.
- (b) 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.
- (c) K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

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 when denying an application in whole or in part.

4. Your conduct described herein violates the Kansas Nurse Practice Act.


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

6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

7. 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.

  
Tamara Hutchison, R.N., B.S.N.  
Member, Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 23<sup>rd</sup> day of October, 2006, 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:

Mable M. Brown  
1221 W Bluff Dr  
Kansas City, MO 64108



Mark A. Knight, #12163  
Assistant Attorney General