

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

AUG 31 2009

**IN THE MATTER OF
JUDITH A. CORNWELL
License No. 24-007128-072**

KSBN

Case No. 07-1179-8, 08-528-9

BOARD ORDER TO DENY STAY OF INITIAL ORDER TO REVOKE LICENSE

Now this 26 day of August, 2009, 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 denies Respondent's petition to stay the initial order to revoke her license. Such order to revoke was issued by the Office of Administrative Hearings on August 12, 2009 against the license of Judith A. Cornwell after she failed to appear for hearing on July 28, 2009. The authority of the Board to deny the stay of the initial Proposed Default Order to Revoke License is as provided by K.S.A. 77-538.

FINDINGS OF FACT

1. (a) Respondent was licensed to practice nursing in Kansas until 7/31/2010.
- (b) Applicant's address of record is 15769 T Rd, Mayetta, KS 66509.
- (c) In Case No. 07-1179-8, while employed by Kansas Neurological Institute (KNI), Topeka, Kansas, and Respondent administered medications orally that were supposed to be administered by J-tube, on or about 11/9/07. The patient choked and had to be suctioned. R did not document the error or the fact that the patient choked and had to be suctioned.
- (d) In Case No. 08-528-9, on or about 4/12/08, while employed at KNI, licensee failed to check vital signs, provide treatment or notify a physician in a timely matter, when a patient was coughing up blood for an extended period of time. The Respondent admitted to these facts as stated above in Case No. 07-1179-8 and 08-528-9, when she entered a Diversion

Agreement on or about 9/24/2008 with the Kansas State Board of Nursing to resolve the above captioned cases.

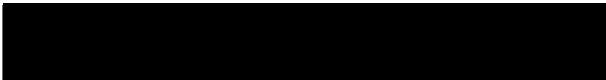
(e) Respondent failed to submit any employer evaluations as required by the Agreement.

(f) The matter was set for disciplinary hearing on July 28, 2009 and the Respondent failed to appear. The Respondent was found to be in default and an order revoking her license was issued on July 29, 2009. Respondent filed a timely motion to set aside the revocation and the Office of Hearings and Appeals reviewed the case and issued a decision not to set aside the revocation on August 12, 2009. The Respondent's motion to set aside the revocation also contained a request to stay the revocation for an unspecified period of time. The Office of Hearing and Appeals referred that matter back to the Board, so that the Board could address that issue.

DECISION

(g) Applicant's conduct described herein has been previously found to violate the Kansas Nurse Practice Act. The Office of Hearings and Appeals has denied the Respondent's request to set aside the default order and revocation. Respondent fails to state any reasons to support her request to stay the order to revoke. Respondent fails to establish any good cause for failure to participate in the prehearing as scheduled or any good cause to stay the revocation of her license. Her petition to Stay the proposed Default order is denied.

(h) Review of the Proposed Default Order can be made as outlined in the Proposed Default Order Notice previously issued by the Office of Hearings and Appeals on July 29, 2009.


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

CERTIFICATE OF SERVICE

I certify that on the 31st day of August, 2009, the foregoing copy of the BOARD ORDER TO DENY STAY OF INITIAL ORDER TO REVOKE LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Judith A. Cornwell
15769 T Rd
Mayetta, KS 66509

A large black rectangular redaction box covers the signature area. A handwritten mark, possibly a checkmark or the letter 'c', is visible above the box.

Alma A. Heckler, #11555
Assistant Attorney General

08/11/09
7:10

FILED - OAH
29 JUL 2009

BEFORE THE KANSAS STATE BOARD OF NURSING

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Topeka, Kansas 66612-1230

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JUL 29 2009

**IN THE MATTER OF
JUDITH A. CORNWELL
License No. 24-007128-072**

KSBN

Case No. 07-1179-8, 08-528-9

PROPOSED DEFAULT ORDER TO REVOKE LICENSE

NOW ON THIS 28th day of July, 2009, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas through 7/31/2010. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per Petitioner's request, Respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. Respondent shall immediately forward his or her original Kansas licensed practical nurse license to the Kansas State Board of Nursing.

8. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.

9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

10. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.

[REDACTED]

Sandra L. Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 15 days from the date this order becomes effective. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

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

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[REDACTED]

Anna G. Heckler, #11958
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 2nd day of July, 2009, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Judith A. Cornwell
15769 T Rd
Mayetta, KS 66509



Alma A. Heckler
Assistant Attorney General