

Rex G. Beasley #08777
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson, Suite 551-S
Topeka, Kansas 66612-1230

BEFORE THE KANSAS STATE BOARD OF NURSING
LANDON STATE OFFICE BUILDING
900 S.W. JACKSON, #551-S
TOPEKA, KANSAS 66612-1230
785 296-8401

IN THE MATTER)
)
OF) Case No: 91-387-7
)
MAUREEN BENNETT)
LICENSE NO. 24-018487-052)

INITIAL ORDER

ON THE 14th day of October, 1998 this matter came on for hearing before Terry E. Beck the Board's designated Hearing Officer on the Petition filed by the Kansas State Board of Nursing. The Respondent appeared in person by telephone. The Kansas State Board of Nursing appeared by and through Assistant Attorney General Rex G. Beasley, Disciplinary Counsel for the Board.

THEREUPON Respondent announced that instead of proceeding to hearing she desired to withdraw her application to practice nursing and consented to the entry of an order denying the reinstatement application.

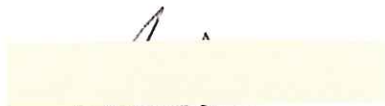
The Respondent acknowledged that the Board was prepared to prove the allegations of the petition and that although this case will be closed the disciplinary action against Respondent

will remain pending. In the event Respondent ever seeks reinstatement again the pending disciplinary action will be reactivated.

IT IS THEREFORE ORDERED that the Respondent's reinstatement application should be, and is hereby, denied. This case will be closed but the underlying disciplinary action against Respondent will remain pending. In the event Respondent ever seeks reinstatement again the pending disciplinary action will be reactivated. Costs of the action in the sum of thirty-five (\$35.00) dollars are hereby taxed to Respondent and shall be paid to the Board by cash, or money order within 30 days of the date of this Order.


IT IS SO ORDERED.

Dated this 14th of October, 1998



TERRY E. BECK
HEARING OFFICER

PREPARED AND APPROVED BY:


REX G. BEASLEY
Assistant Attorney General
Disciplinary Counsel

NOTICE REGARDING RELIEF FROM THIS ORDER
STATEMENT OF APPEAL RIGHTS

This is an Initial Order. The parties to whom this Initial Order is issued may file a petition for review with the Agency Head within fifteen (15) days after service of this order. The petition for review must state the specific grounds upon which relief is requested. Unless a later date is stated within the Initial Order, a stay is granted, or the order is reviewed, an Initial Order shall become a final order without further notice or proceedings thirty (30) days after the date of service as indicated by the attached certificate of service.

CERTIFICATE OF SERVICE

This is to certify that on the 15th day of October, 1998 I deposited a true and correct copy of the Order in the United States Mail, first class mail, postage prepaid to the following:

Maureen Bennett
1119 S Emporia
Wichita, Kansas 67211

and by hand delivery to:

Rex G. Beasley
Assistant Attorney General
Kansas State Board of Nursing
900 S.W. Jackson Rm 551-S
Topeka, Kansas 66612-1230



Diane M. Glynn, J.D., R.N.
Practice Specialist

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PETITION

COMES NOW the Petitioner, the Kansas State Board of Nursing by and through its Disciplinary Counsel, Assistant Attorney General Rex G. Beasley, and initiates these proceedings under the provisions of K.S.A. 65-1120, and for its cause of action, alleges and states:

1. Respondent's mailing address last known to the Board is 1119 S. Emporia Wichita, Kansas 67221.
2. Respondent was formerly licensed to practice as a licensed practical nurse (L.P.N.) in the State of Kansas, having been issued license no. 24-018487-052. Respondent allowed her license to lapse on May 31, 1990
3. The Kansas State Board of Nursing, hereinafter referred to as the "Board," has received information, conducted an investigation, and determined there are reasonable grounds to

believe Respondent has committed acts in violation of the Kansas Nurse Practice Act, K.S.A. 65-1113 *et seq.*

4. The Board has requested the office of the Attorney General to prosecute this action. Carla J. Stovall is the duly elected and acting Attorney General for the State of Kansas.

5. Since the original issuance of the license, Respondent committed numerous acts in violation of K.S.A. 65-1113 *et. seq.*

6. Even though she had no license, Respondent, contrary to K.S.A. 65-1120 (a)(1), fraudulently and deceptively held herself out as being licensed and through that fraud and deception sought, obtained, or retained employment, contrary to K.S.A. 65-1114, as an L.P.N. at Bethany Medical Center 51 North 12th Street Kansas City, Kansas until October 7, 1991.

7. While working as an unlicensed L.P.N. at Bethany Medical Center, Respondent allegedly committed several acts (in addition to practicing without a license) in violation of the Kansas Nurse Practice act including, performing tasks for which she was not qualified and which were a violation of the Medical Center policies and procedures and by not disclosing to her co-workers that she was not a registered nurse. Said conduct is contrary to K.S.A. 65-1120.

8. Knowing that she was subject to termination and that her conduct would be reported to the Board, Respondent chose to resign effective October 7, 1991.

9. The Board took no disciplinary action against Respondent at that time because before the Board was notified of her violations of the Kansas Nurse Practice Act, she allowed her license to lapse, and had apparently stopped nursing in Kansas.

11. On November 20, 1997 Respondent submitted an application for reinstatement of a license as and L.P.N. On December 2, 1997 Respondent paid the application fee in full.

12. Even though she had no license, Respondent, contrary to K.S.A. 65-1120 (a)(1), fraudulently and deceptively held herself out as being licensed and through that fraud and deception sought, obtained, or retained employment, contrary to K.S.A. 65-1114, as an L.P.N. at the Wichita Children's Home 810 North Holyoke Wichita, Kansas from November 24, 1997 through January 12, 1998. A letter from the Children's Home is attached hereto as exhibit A.

13. When asked about the status of her license in December 1997, Respondent told the Children's Home that her application had been returned to her because it was "\$3.00 short in fees." Respondent's representation was false and constitutes a violation of K.S.A. 65-1120.


14. Respondent was notified by the Board on January 5, 1998, and again on January 12, 1998, that she was unlicensed and should not represent herself or obtain employment in Kansas as an L.P.N. Copies of the notices to Respondent on January 5, 1998 and January 12, 1998 are attached hereto as exhibits B and C.

15. On January 13, 1998 Respondent was asked by the Board's investigator about her unauthorized practice of nursing, contrary to K.S.A. 65-114. Respondent did not deny she has practiced without a license; she stated " personally conscience wise I did not feel I was doing anything wrong."

WHEREFORE, Petitioner prays the Board serve the Respondent with a copy of this Petition and a copy of a Notice of Hearing as required by law. Petitioner further prays that upon evidence presented at the hearing, the Board make findings and conclusions that Respondent has committed acts in violation of the Kansas Nurse Practice Act, and that the Board take and impose such disciplinary action as it shall deem just and proper.

Respectfully submitted,

CARLA J. STOVALL
Attorney General


#08777 Rex G. Beasley
Assistant Attorney General

Attorney for Petitioner