

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED
OCT 16 2009
KSBN

IN THE MATTER OF
LISA R. MCFARLANE
License No. 24-23814-111

Case No. 09-747-3

SUMMARY ORDER

Now this 14th day of October, 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 proposes to find facts and take disciplinary action against the license of Lisa r. McFarlane, a licensed practical nurse (Licensee) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Licensee is licensed to practice nursing in the state of Kansas. Licensee's license to practice nursing in the state of Kansas as a licensed practical nurse is due to lapse on or about 11/30/2009. The Board has jurisdiction over the Licensee and the subject matter of this action.

(b) Licensee's address of record is 603 Yates St, Formoso, KS 66942.

(c) The Kansas Board of Nursing was notified that the Licensee has committed the following crimes against children and a misdemeanor Driving Under the Influence:

(d) On December 8, 2008, the Licensee plead guilty to one count of attempted aggravated indecent liberties with a child, in violation of K.S.A. 21-3504(2)(A) and four counts of misdemeanor battery (K.S.A. 21-3412) a class B person misdemeanor in the District Court of Jewel County, Kansas. The Licensee admitted to these facts; Licensee admitted to drinking alcohol and her speech was slurred. The Court found the Licensee approached children in a park. Licensee claimed a 15 year old boy wanted to "fuck" her and was begging for it so she gave it to him. The 15 year old claimed she grabbed his penis, then jumped on his back and bit him on his shoulder four times, and scratched him. She put a 9 year old boy in a chokehold, wrapped her legs around him and threw him to the ground. The Licensee grabbed a 6 year old boy and scratched his back. She raised her blouse up above her bra and exposed herself to the boys. She grabbed a 5 year old by his head.

(e) Licensee was sentenced to probation for 24 months, she must register as a sex offender (K.S.A. 22-4901) and she is to have no contact with children, even her own children without permission of the supervising officer and/or treatment provider.

(f) Licensee was convicted of Driving Under the influence of Alcohol, second offense on or about December 13, 2007 in the District Court of Republic County, Kansas, Case No. 07-TR-852. She was placed on probation for one year.

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)(2), to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense without establishing sufficient rehabilitation to warrant the public trust.

3. Licensee's conduct described herein violates the Kansas Nurse Practice Act.

4. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of 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 an opportunity to participate to persons other than the parties.


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

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.

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, 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.


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

CERTIFICATE OF SERVICE

I certify that on the 15th day of October, 2009, 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:

Lisa R. McFarlane
603 Yates St
Formoso, KS 66942


Alma A. Heckler, #11555
Assistant Attorney General