

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
Linda Mae Brittentime
License No. 24-025962-07**

Case No. 01-292-7

FILED
#173
APR 27 2012 *qab*

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PROPOSED DEFAULT ORDER TO DENY LICENSE

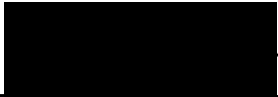
NOW ON THIS 24th day of April, 2012, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent filed a reinstatement application and request for a temporary license on or about March 19, 2011. 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 denying respondent's license and temporary 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 and temporary license to practice nursing is denied. Respondent may not practice nursing in Kansas.
6. Costs of the action of \$70.00 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. 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.

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

IT IS SO ORDERED.

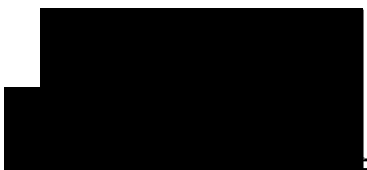

Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

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 7 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.


Alma A. Heckler, #11555
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

BEFORE THE KANSAS STATE BOARD OF NURSING
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Topeka, Kansas 66612-1230

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FEB - 1 2012

KSBN

IN THE MATTER OF
Linda Mae Brittentime
License No. 24-025962-07

Case No. 01-292-7

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PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Alma A. Heckler, Assistant Attorney General, and for its cause of action states that:

1. Applicant filed a reinstatement application on or about March 19, 2011. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Respondent's address of record is 2822 Collin Street, Independence, Missouri, 64052.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:
 - (a) Applicant filed a reinstatement application on or about March 19, 2011. Applicant was notified she failed to complete the requirements of the Final Order Reinstating License in the above captioned case, dated 9/2/2002. Applicant allowed her license to lapse on 9/30/2002

(b) On or about September 5, 2002, Applicant's license was reinstated by order of the Hearing Officer and suspended and such suspension was stayed so long as the Applicant completed the following:

1. Complete 15 hours of Continuing Nurse Education on patient charting and general patient care;
2. Submit quarterly performance evaluations to the Board for a period of two years, upon obtaining employment in Kansas;
3. Submit the names of her employers and her supervisors to the Board and give authorization for her employers to release information regarding her work performance to the board;
4. Work only in Kansas in a supervised setting and such supervision shall be from an R.N., until these terms are modified by the Board;
5. Pay costs in the amount of \$70.00.

(c) Applicant let her license lapse on September 30, 2002 without completing any of the items contained in the 9/5/2002 order.

(d) Applicant was notified by letter dated April 29, 2011 she had never completed the terms of the Final Order Reinstating License issued by the Hearing Officer on 9/5/2002. A copy of the order was sent with the letter. The letter directed her to complete those items she could complete immediately, such as payment of the \$70.00 costs and the Continuing Nurse Education. The letter requested that she tell the Board how she intended to complete the other requirements of the 9/5/2002 order so that her reinstatement application could be processed. Applicant did not pay the \$70.00 costs, did not supply proof of her completion of the Continuing Nurse Education and has not had any contact with the Board since filing her reinstatement application.

(e) Applicant reported on her application that her Kansas Nursing license had been disciplined in 1983. Applicant failed to report the discipline in Case No. 01-292-7. Applicant's

license was temporarily suspended and then reinstated with a suspension. The suspension was stayed so long as she completed the requirements of the 9/5/2002 order.

VIOLATIONS

6. Applicant has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(r), failing to comply with any disciplinary order of the board.

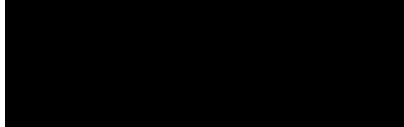
Count 2: K.S.A. 65 - 1120(a)(1), To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;

WHEREFORE, Petitioner requests a finding that the Applicant has violated the Nurse Practice Act, that Applicant's reinstatement application to practice nursing in Kansas be denied, and that costs of this action be assessed to the Applicant in the amount of \$70.00. .

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:


Alma A. Heckler, #11555
Assistant Attorney General
Kansas State Board of Nursing
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900 SW Jackson #1051
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