

Filed

APR 24 2002

Board of Nursing

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

IN THE MATTER OF THE LICENSE OF
24-026430-091
BETTY MERRILL

CASE NO. 01-612-2

DEFAULT ORDER

REVOKING LICENSE

NOW ON THIS 16th day of April, 2002, petitioner appears by disciplinary counsel, Alma Heckler, for a pre-hearing conference on the petition. Respondent does not appear.

Wherefore, the hearing officer finds as follows:

1. Respondent is licensed as an L.P.N. through 09-30-2003. The board has jurisdiction over this matter.
2. Petitioner sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper.
3. Petitioner moves for issuance of a proposed default order granting the petition.
4. The petition is hereby granted and incorporated into this order as if set forth herein.
5. Respondent violated 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".
6. Per petitioner's request, respondent's license to practice nursing is revoked. Respondent may not practice nursing in Kansas and respondent shall return her license card to the board.
7. 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.

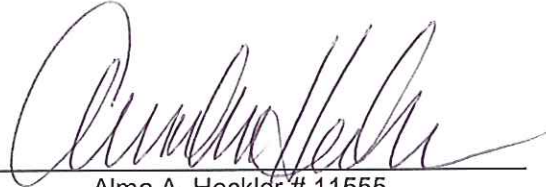
8. Disciplinary counsel shall mail a copy of this order to respondent's last known address.



Terry E. Beck
Hearing Officer

NOTICE

This is a proposed default order pursuant to K.S.A. 77-520. This order becomes effective if respondent does not file a written motion requesting that this order be vacated with the board within ten days after the day this order is mailed. If a motion is timely filed, then a hearing will be set and notice given to respondent to appear. Another order will then be issued either vacating or affirming this order.



Alma A. Heckler # 11555
Disciplinary Counsel
900 S.W. Jackson, Suite #551-S
Topeka, Kansas 66612-1230
785/296-4325

CERTIFICATE OF SERVICE

On the 24th day of April, 2002, I mailed a copy of this order by depositing it with the United States Postal Service, postage prepaid, addressed to respondent at 735 East 8th, Colby, KS 67701.



Alma A Heckler

Filed

MAR 27 2002

Board of Nursing

BEFORE THE KANSAS STATE BOARD OF NURSING

Landon State Office Building, 900 S.W. Jackson #551-S
Topeka, Kansas 66612-1230

In The Matter Of

Betty Merrill

License no. 24-26430-091

Case No. 01-612-2

PETITION

COMES NOW the petitioner, the Board of Nursing, by and through disciplinary counsel for the board, Alma A. Heckler, and for its cause of action states that:

1. Respondent is licensed to practice nursing as a licensed practical nurse in Kansas through 9/20/2003.
2. For the purpose of service of this pleading, respondent's address of record is 735 E. 8th, Colby, Kansas 67701.
3. The respondent was relicensed on or about 9/30/01 and was selected at random for a Continuing Nurses Education Audit. Respondent has failed to respond to all efforts to obtain copies of the Continuing Nurses Education (CNE) credits she listed on her reapplication for her license. After an investigation, the board's investigative committee found reasonable grounds to believe that respondent violated the nurse practice act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The board may deny, limit, or suspend a nursing license or may issue a public or private censure if a violation of K.S.A. 65-1120 is established.

FACTS

The respondent in this case was relicensed on or about 9/30/01. Respondent was selected at random for a Continuing Nursing Education Audit and was notified by letter dated October 4, 2001 that she had until October 25, 2001, to submit copies of the CNE certificates listed on her renewal application. On 11/02/01 a second letter was sent to respondent with a

ten (10) day response time. Two phone calls were also made to the respondent on 12/03/01 and 12/17/01. On 12/19/01, respondent called the investigator and stated that she was unable to submit the certificates because she had recently moved and all of the certificates were packed away. On 3/11/02, respondent was given until 3/18/02 to submit certificates and again certificates have not been received as of the date of filing this petition.

COUNT I

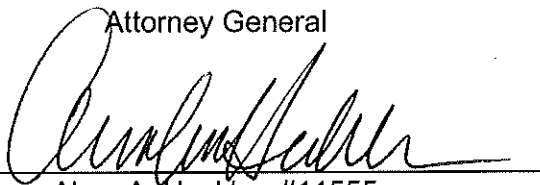
Respondent has failed to produce any of the continuing nurses education credits she claimed on her reapplication for licensing. Respondent violated K.S.A. 65-1120(a)(1), "to be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing".

WHEREFORE, petitioner requests a finding that respondent violated the nurse practice act, for revocation of respondent's license and for respondent to be assessed the \$70 costs of this action.

Respectfully submitted,

Carla J. Stovall
Attorney General

By: _____



Alma A. Heckler, #11555
Assistant Attorney General