

January 10, 2009

Cynthia R. Johnson
512 1/2 W. Myrtle
Independence, KS 67301

Case No. 08-374-6
License No. 24-028314-042

SUMMARY ORDER

Dear Ms. Johnson:

The Investigative Committee of the Kansas State Board of Nursing (KSBN) has reviewed your application materials. It is the decision of the Board that your reinstatement application to practice nursing as a licensed practical nurse in Kansas is denied. This denial is based upon the following:

FINDINGS OF FACT

1. (a) On or about April 28, 2008, the Board received Respondent's application for reinstatement of her license to practice nursing in the state of Kansas as a licensed practical nurse. The respondent's Kansas license had been revoked in October 2007. The respondent's nursing license was revoked due to violations of the Texas Disciplinary Sanction Policies for Lying and Falsification and Fraud, Theft and Deception in 2006. The respondent failed to report she had a pending disciplinary action in Texas on the reinstatement application she filed with the Kansas Board of Nursing on January 20, 2006. The action was filed in Texas on January 17, 2006.

(b) The respondent failed to report any of the convictions listed below on a reinstatement application filed on January 20, 2006:

1. Theft, a Third Degree Felony committed January 6, 1986, under Cause Number 4209, in the 31st Judicial District Court of Gray County, Texas.

2. On June 19, 1995, respondent pled "guilty" to the offense of Theft of Property of more than \$20.00 but less than \$200.00- Checks, a Class B Misdemeanor committed July 10, 1994.

3. On or about January 21, 1997, respondent pled "guilty" of the offense of Theft of Property of the value of more than \$20.00 and less than \$500.00, a Class C Misdemeanor committed July 24, 1993.

4. On or about January 21, 1997, respondent pled "guilty" to the offense of Theft of Property of the value of more than \$20.00 but less than \$500.00, a Class C Misdemeanor committed September 8, 1995.

5. On or about May 6, 1997, respondent pled "guilty" to the offense of Theft by Check for the value of more than \$20.00 but less than \$500.00, a Class B Misdemeanor committed May 31, 1996. Respondent was placed on an order deferring adjudication with placement on community supervision for a period of six months; pay a fine of \$200.00 and restitution in the amount of \$133.75. On November 11, 2000, respondent's order deferring adjudication was revoked and she was ordered confined in the Moore County Jail for 180 days.

6. On or about June 25, 1997, respondent pled "guilty" to the offense of Aggravated Theft By Check of a value of more than \$1500.00 but less than \$20,000.00, a Third Degree Felony committed August 1995 to December 1995, under Cause Number 10,732-A, in the 47th District Court of Randall County, Texas. Respondent was placed on an order deferring adjudication and ordering community supervision for a period of four years. Respondent was ordered to pay restitution in the amount of \$2845.46. That order was subsequently modified in 2001 to five years more supervision and then modified again on September 6, 2005. In 2005, the respondent's probation was revoked for violating the terms and conditions of community supervision and she was placed in the State Jail Facility for six months and ordered to pay an additional fine of \$200.00.

7. On or about October 31, 2000, respondent pled "guilty" to the offense of Theft of Service of a value of more than \$20.00 but less than \$500.00, a Class B Misdemeanor committed March 13, 1998.

8. On or about August 5, 2003, respondent pled "guilty" to the offense of Theft of more than \$500.00 but less than \$1500.00, a Class A Misdemeanor committed June 3, 2002, under Cause Number 18378, in the County Court at Law of Moore County, Texas.

9. On or about May 25, 2004, respondent pled "guilty" of the offense of Theft of Property of the value of more than \$20.00 and less than \$500.00, a Class B Misdemeanor committed June 2, 2002 and Issuance of a Bad Check, a Class C Misdemeanor committed June 2, 2002.

(c) The respondent was found to have violated the following provisions of the Kansas Nurse Practice Act in KBON Case No. 06-718-0 and her license was revoked:

Count 1: K.S.A. 65-1120(a)(2), to have been convicted of a felony.

Count 2: K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

Count 3: K.S.A. 65-1120(a)(8), to have a license to practice nursing as a registered nurse or as a practical nurse denied, revoked, limited or suspended, or to be publicly or privately censured, by a licensing authority of another state, agency of the United States government, territory of the United States or country or to have other disciplinary action taken against the applicant or licensee by a licensing authority of another state, agency of the United States government, territory of the United States or country.

Count 4: K.A.R. 60-3-110(m), engaging in conduct related to licensed nursing practice that is likely to deceive, defraud, or harm the public.

Count 5: 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.

(d) Respondent practiced without a license from October 5, 2007 to March 2, 2008. Respondent has been assessed an unlicensed practice fine of \$600.00, which she has not agreed to pay or paid to date. Respondent did not submit thirty (30) hours of approved continuing nursing education with the application. Respondent has not completed her reinstatement application.

(e) Respondent failed to provide the completed Kansas LPN IV Therapy Approval form with her application. Respondent has not provided any proof of her IV certification, in spite of her representations that she is certified.

(f) An investigation completed by the Board after receipt of the respondent's reinstatement application revealed she has failed to report her felony convictions to her employers in 2006 and 2007.

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, along with the previous violations the respondent was found to have committed in KBON Case No. 06-718-0:

(a) 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.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(v), practicing without a license or while the license has been revoked.

(c) K.S.A. 65-1120(a)(7), to have willfully or repeatedly violated the provisions of the Kansas nurse practice act or any rules and regulations adopted pursuant to that act.

(d) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(b), assuming duties and responsibilities within the practice of nursing without making or obtaining adequate preparation or maintaining competency.

(e) K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(3), a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

3. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency when denying an application in whole or in part.

4. Your conduct described herein violates the Kansas Nurse Practice Act.


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

6. If you wish to dispute this matter, contact the Board immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

7. 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 above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.



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

CERTIFICATE OF SERVICE

I certify that on the 14th day of January, 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:

Cynthia R. Johnson
512 1/2 W. Myrtle
Independence, KS 67301


Alma A. Heckler, #11555
Assistant Attorney General