

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAY 08 2009

KSBN

**IN THE MATTER OF
DOROTHY L. HOLLOWAY
License No. 24-34624-032**

Case No. 08-1118-1

SUMMARY ORDER

Now this 8th day of May, 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 licensed practical nurse reinstatement application of Dorothy L. Holloway (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant was previously licensed to practice nursing in the state of Kansas. Applicant's license to practice nursing in the state of Kansas as a licensed practical nurse lapsed on or about 3/31/2008. Applicant submitted an application for reinstatement of Applicant's license to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.

(b) Applicant's address of record is 3224 SW Shadowbrook Dr., Blue Springs, MO 64015.

(c) On or about 12/31/2008, the Board received Applicant's application for reinstatement of Applicant's license to practice nursing in the state of Kansas.

(d) Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.

(e) On or about 6/19/2007, the Missouri State Board of Nursing (MBON) issued a disciplinary action against Applicant's Missouri nursing license. Pursuant to the MBON discipline, Applicant's Missouri nursing license was placed on probationary status for two years which has not expired.

(f) The MBON discipline was based in part on the following facts taken from the MBON Settlement Agreement Between Missouri State Board Of Nursing And Dorothy Holloway, PN, which were stipulated to by Applicant:

"3. At all times relevant herein, Licensee was employed as a licensed practical nurse at White Ridge Health Center ("Facility"), a skilled nursing facility, located in Lees Summit, Missouri.

4. On August 11, 2006, Licensee was the only nurse on duty at the Facility, along with two certified medication technicians and three certified nursing assistants. At approximately 6:25 p.m. on August 11, 2006, Licensee left the Facility without

notifying or transferring the of her patients to another licensed healthcare provider. As a result of Licensee's conduct, there were no license healthcare provider at the Facility from 6:25 p.m. until approximately 7:15 p.m.

5. Licensee abandoned 6 residents at the Facility receiving hospice services, 1 resident with a feeding tube, 1 resident that required suctioning as needed, 13 residents who received narcotic medications, and 7 residents assessed as an elopement risk.

6. Sometime between 6:25 p.m. and 7:15 p.m. on August 11, 2006, hospice resident P.S. expired at the Facility and notification of family members was delayed.

7. Licensee was responsible for providing continuous nursing care, accurate medication administration and documentation and appropriate skilled nursing assessments for her patients.

8. As a result of Licensee's conduct as alleged herein, the Missouri Department of Health and Senior Services was notified resulting in the Facility being issued a class one deficiency.

9. Licensee was terminated from the Facility to due her alleged conduct herein.

10. Licensee failed to use her professional nursing judgment to act in the best interest of the patients at the Facility.

11. Licensee's conduct as alleged herein constitutes incompetency, gross negligence, and misconduct in the performance of the functions and duties of a licensed practical nurse.

12. Licensee's conduct as alleged herein constitutes a violation of professional trust or confidence..."

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)(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.

(b) K.S.A. 65-1120(a)(6), unprofessional conduct by K.A.R. 60-3-110(l), leaving an assignment that has been accepted, without notifying the appropriate authority and allowing reasonable time for replacement.

(c) 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. Applicant'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. Applicant's reinstatement application to practice nursing in the state of Kansas is denied.

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.

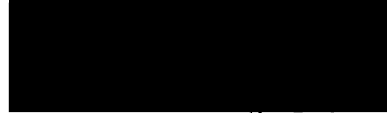


Janet Jacobs, LPN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 11th day of May, 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:

Dorothy L. Holloway
3224 SW Shadowbrook Dr.
Blue Springs, MO 64015



Mark A. Knight, #12183
Assistant Attorney General