

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**SEP 27 2011**

**KSBN**

**IN THE MATTER OF  
LESTINE F. MCMICHAEL  
License No. 24-38123-121**

**Case No. 09-1244-3**

**PROPOSED DEFAULT ORDER TO REVOKE LICENSE**

NOW ON THIS 27<sup>th</sup> day of September, 2011, 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:

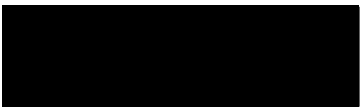
1. Respondent is licensed to practice nursing in Kansas through 12/31/2011. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's 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 to practice nursing is revoked. Respondent may not practice nursing in Kansas.
6. 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.
7. Respondent shall immediately forward his or her original Kansas licensed practical nurse license to the Kansas State Board of Nursing.

8. 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.

9. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).

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

**IT IS SO ORDERED.**

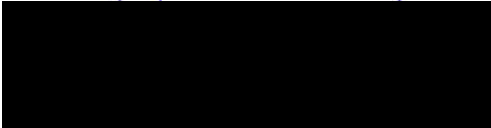
  
Sandra L. Sharon, Presiding Officer  
Office of Administrative Hearings  
1020 S Kansas Ave.  
Topeka, KS 66612-1327

**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 30<sup>th</sup> 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

**CERTIFICATE OF SERVICE**

I certify that on the 27th day of September, 2011, the foregoing copy of the Proposed Default Order Revoking License was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Lestine F. McMichael  
2363 Chapel Ridge Place Apt 23 E  
Salina, KS 67401

  
Alma A. Heckler  
Assistant Attorney General

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**IN THE MATTER OF  
LESTINE F. MCMICHAEL  
License No. 24-38123-121**

**Case No. 09-1244-3**

**FILED  
JUN 9 2011  
KSBN**

**PETITION**

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

1. Respondent, Lestine F. McMichael, is licensed to practice nursing in Kansas through 12/31/2011. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 2363 Chapel Ridge Place Apt 23 E, Salina, KS 67401.
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) Respondent filed a renewal application on or about December 2, 2009 and answered "no" to the question "has any license or certification ever been denied, revoked, suspended, limited or disciplinary action taken by a licensing authority...?"

(b) In Kansas Board of Nursing (KBON) Case No. 08-892-0 the Respondent supplied certified documents that showed the Michigan Department of Community Health showed the Respondent was placed on probation through a Consent Agreement on 12/11/2003 for a period of one year, and instructed to complete education.

(c) The Respondent was sent a letter by the Kansas Board instructing Respondent to answer "yes" to the question listed above in item (a) on any and all future nursing applications. The Respondent failed to answer yes on the December 2, 2009 renewal application.

**VIOLATIONS**

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

Count 1: K.S.A. 65 – 1120(a)(6), unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board; K.A.R. 60-3-110(d).

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 Respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the Respondent 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  
Landon State Office Building  
900 SW Jackson #1051  
Topeka, KS 66612