

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**IN THE MATTER OF  
KIMBERLY S. OLIVER  
License No. 24-42052-111**

**Case No. 11-112-0**

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**PROPOSED DEFAULT ORDER TO DENY REINSTATEMENT**

NOW ON THIS 30<sup>th</sup> day of September, 2013, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Alma A. Heckler, for a Hearing on the Petition.

Applicant does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Applicant filed a reinstatement application to practice nursing in Kansas on or about July 17, 2013. The Kansas State Board of Nursing has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant was sent a copy of the petition and notice of this hearing to Applicants's last known address and service is proper. Applicant does not appear.
3. Petitioner moves for issuance of a proposed default order denying Applicant's application. 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. Applicant violated the Nurse Practice Act as alleged in the petition.
5. Per Petitioner's request, Applicant's application is denied. Applicant may not practice nursing in Kansas.
6. Costs of the action of \$70 are assessed to Applicant 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 Applicant 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 Applicant's last known address.

**IT IS SO ORDERED.**

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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 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.

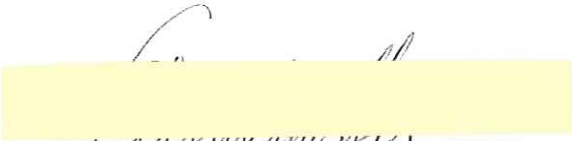
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Alma A. Heckler, #11555  
Disciplinary Counsel  
Kansas State Board of Nursing  
900 S.W. Jackson, Suite #1051  
Topeka, KS 66612-1230  
785-296-4325

**CERTIFICATE OF SERVICE**

I certify that on the 2<sup>nd</sup> day of ~~September~~ October, 2013, the foregoing copy of the Proposed Default Order To Deny Reinstatement was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Kimberly S. Oliver  
8706 NW 82<sup>nd</sup> Terr.  
Kansas City, MO 64152

A yellow rectangular redaction box covers the signature of Alma A. Heckler.

Alma A. Heckler  
Assistant Attorney General

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KIMBERLY S. OLIVER  
License No. 24-42052-111**

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Case No. 11-112-0

**PETITION TO DENY REINSTATEMENT**

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, Kimberly S. Oliver, entered a Diversion Agreement with the Board but failed to comply with its terms and her license was revoked effective December 10, 2012. Respondent filed for reinstatement on July 17, 2013. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 8706 NW 82<sup>nd</sup> Terr., Kansas City, Mo. 64152.
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 entered a Diversion Agreement to the Board on or about May 19, 2011. Respondent stipulated to the following facts in the Diversion Agreement: "Licensee was convicted of passing a bad check in Boone County, Missouri on or about 3/17/2010. Licensee is on probation until March 16, 2012."

(b) Respondent stipulated to the following violations of the Kansas Nurse Practice Act (KNPA): 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.

(c) Respondent agreed to complete four (4) quarterly reports prepared by her immediate supervisor or an R.N. who evaluates her performance on a regular basis once she was employed in the field of nursing. Until she was employed in nursing, she agreed to notify the Board monthly that she was not yet working in nursing.

(d) Respondent submitted on statement that she was not employed in nursing in June of 2011 but has failed since that time to respond to letters from the Board or to complete the requirements of her May 19, 2011 Diversion Agreement. License was revoked.

(e) Respondent seeks reinstatement of her license but does not demonstrate any rehabilitation.

### VIOLATIONS

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

Count 1: 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 2: 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...”.

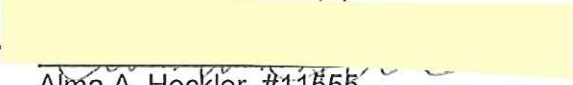
WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent’s reinstatement application to practice nursing in Kansas be denied, and that costs of this action be assessed to the respondent in the at least the amount of \$70.00.

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