



March 21, 2003

Diane Carter  
403 E. Poplar  
Olathe, Kansas 66061

Executive Administrator  
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Practice Specialist  
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Assistant Attorney General  
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785-296-4325

**SUMMARY ORDER**

Dear Ms. Carter:

I have reviewed your application materials and on behalf of the Board members am denying your application to practice nursing as a licensed practical nurse (L.P.N.) in Kansas. This denial is based upon the following:

**FINDINGS OF FACT**

1. You have a history of revocation of your license in another state and financial abuse of patients.
  2. You answered "No" to the question "Has your license to practice nursing ever been denied, revoked, suspended, limited or disciplinary action taken by a licensing authority of another state, agency of the United States Government, territory of the United States or country?" When questioned by the investigator assigned by the Kansas State Board of Nursing, you continued to deny the prior revocation and refused to supply any documents concerning the revocation of your license by the Board of Nursing in Minnesota.
    - a. On or about October 11, 2000 your license to practice nursing in Minnesota was revoked. It was revoked due to the theft of personal checks from a resident in a nursing home where you were employed from 5/26 to 7/22/99. The resident was assigned to your care and four personal checks were stolen from the resident and you cashed one in the amount of \$340.00.
    - b. During June and July of 1999 you were employed at another nursing home and again, an unspecified number of checks were stolen from a resident and the checks were cashed for over \$7000.00. Your own daughter cashed several of the stolen checks and she verified that she had received the checks from you in June of 1999 through December, 1999.
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- c. You voluntarily submitted to a pre-employment drug test for another nursing home and the test was positive for cocaine in December of 1999.
3. On or about September 5, 2002 you filed an application for endorsement into Kansas and failed to report the prior revocation of your license in Minnesota in October of 2000. When the investigator requested that you contact Minnesota and obtain the documents regarding your revocation, you refused and continued to deny the revocation of your license.

#### CONCLUSIONS OF LAW

1. K. S. A. 65-1120(a) provides that it is a ground for denial of a license if the applicant is found:
    - (a) 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 censure, 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. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of licensing authority of another state, agency of the United States government, territory of the United States or country shall constitute prima facie evidence of such a fact for purposes of this paragraph (8);
    - (b) To be guilty of fraud or deceit in practicing nursing or in procuring or attempting to procure a license to practice nursing;
    - (c) To be unable to practice with skill and safety due to current abuse of drugs or alcohol;
    - (d) To be guilty of unprofessional conduct as defined by rules and regulations of the Board;
    - (e) To have diverted drugs, supplies, or property of any patient or agency.
    - (f) Failing to furnish the Board, its investigators, or its representatives with any information legally requested by the Board;
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2. 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.

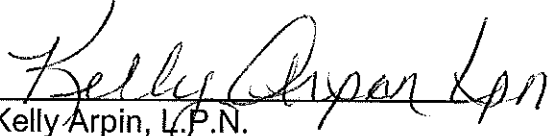
3. Your conduct described herein violates the Kansas Nurse Practice Act.

4. If the information provided is incorrect, or if you wish to dispute this matter, please let us know immediately by following the procedure for requesting a hearing. A copy of your application will be sent to you upon request.

5. Pursuant to K.S.A. 1992 Supp 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  
900 SW Jackson, Suite 1051  
Topeka, Kansas 66612-1230  
(785) 296-4325

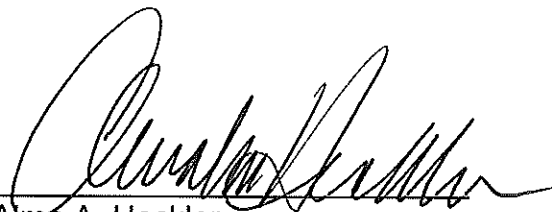
THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER. If a hearing is not requested in the time and manner stated above, this Summary Order becomes effective and final upon the expiration of the time for requesting a hearing.

  
Kelly Arpin, L.P.N.  
Board Member

CERTIFICATE OF SERVICE

I certify that on the 21<sup>st</sup> day of March, 2003, 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:

Diane Carter  
403 E. Poplar  
Olathe, Kansas 66061

A handwritten signature in black ink, appearing to read "Alma A. Heckler", written over a horizontal line.

Alma A. Heckler  
Assistant Attorney General