

BEFORE THE KANSAS STATE BOARD OF NURSING
Landon State Office Building, 900 S.W. Jackson #1051
Topeka, Kansas 66612-1230

FILED

JUL 29 2015

IN THE MATTER OF TOBY LYNN ALLEN

KSBN

License No. ENDORSEMENT APPLICANT

Case No. 15-589-0

SUMMARY ORDER

NOW ON THIS 29th day of July, 2015, 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 proposed to find facts and take disciplinary action against the licensee's license by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. This Licensee has an endorsement application to practice nursing in the state of Kansas. The Board has jurisdiction over the Licensee and the subject matter of this action.
2. Licensee's address of record is 3949 NW 85th Terrace Apt E Kansas City MO 64154.
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. Review of the information gathered by the Board revealed the following upon which this action is based.
 - (a) According to a report, it is alleged that applicant worked in Kansas at Cenpatico with out a Kansas license.
 - (b) This incident allegedly occurred on or about January 2014.
 - (c) The position Applicant worked was a "Utilization Manager."
 - (d) The job description requires that the applicant have a "unrestricted license as a " LCSW, LMFT, PhD, PsyD or RN."
 - (e) Applicant states that she has no other certificate other than the RN and admits that she is not licensed in the State of Kansas.
 - (f) Applicant was sent a Unlicensed Practice Agreement and she failed to return it to KSBN.
5. This Licensee violated the Nurse Practice Act by unprofessional conduct by practicing nursing without a license and through fraud and deceit in practicing nursing.

CONCLUSIONS OF LAW

- a. K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
 - b. K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations of the Board by practicing without a license or while the license has lapsed KAR 60-3-110 (v).
6. 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 authorization, if the Licensee, Licensee or holder of a certificate of qualifications or authorization is found to have violated the Nurse Practice Act.
7. The above fact findings established evidence that the Licensee violated the following provisions of the Nurse Practice Act:
- Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.
- Count 2: K.S.A. 65-1120(a)(6) to be guilty of unprofessional conduct as defined by the rules and regulations of the Board by practicing without a license or while the license has lapsed KAR 60-3-110 (v).
8. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

POLICY STATEMENT

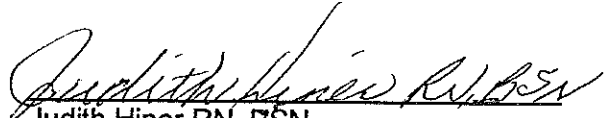
1. Practicing nursing without a license poses a risk to the public safety.
2. Honesty and truthfulness are the hallmark of good nursing.

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT

1. **Licensee's endorsement application to practice nursing in the state of Kansas is denied.**
2. **Licensee shall pay \$100.00 costs of this action to the Board within thirty (30) days of the effective day of this Order.**

Pursuant to K.S.A. 77-537, the decision, which is called a Summary Order, is subject to your request for 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.

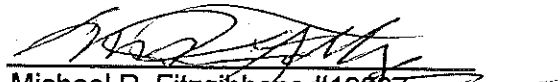
Pursuant to K.S.A. 77-531, if the Summary Order is served by mail, three days are added to the time limits set out above.


Judith Hiner RN, BSN
Investigative Committee, Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

On the 29th day of July, 2015, I deposited a copy of this SUMMARY ORDER with the United States Postal Service, postage pre-paid, addressed to:

Toby Lynn Allen
3949 NW 85th Terrace Apt E
Kansas City, MO 64154


Michael R. Fitzgibbons #12287
Assistant Attorney General