

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED
JUN 20 2016

KSBN

**IN THE MATTER OF
AMBERLY DANIELLE GARRISON-KIRKWOOD**

**EFFECTIVE AS A
FINAL ORDER**

**License No. Endorsement application
Case No. 16-224-0**

DATE: July 28, 2016
Aug. 22, 2016

SUMMARY ORDER

Now on this 20th day of June, 2016, this matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. 65-1106 and K.S.A. 65-1120, to find facts and take disciplinary action against the Applicant, Amberly Danielle Garrison-Kirkwood, by way of Summary Order pursuant to K.S.A. 77-537. Upon review, the following findings of fact, conclusions of law and order are made for and on behalf of the Board:

FINDING OF FACTS

1. Applicant's address of record is 14010 Robinson #608, Overland Park, KS 66223.
2. Applicant submitted an application to be endorsed as an RN in Kansas on October 19, 2015. Applicant was licensed as an RN in Missouri on July 19, 2010.
3. Applicant was disciplined by the Missouri Nursing Board. The Missouri Board suspended Applicant's license on September 30, 2015 pursuant to Mo. Ann. Stat. § 324.010, for failure to file state tax returns and/or pay the state tax liabilities owed. Her license was reinstated on October 14, 2015.
4. Applicant received a temporary permit to practice as an RN from Kansas on October 31, 2015, which expired on February 28, 2016.
5. Applicant continued working for Maxim Healthcare Service in Overland Parks, Kansas after February 28, 2016.

6. KSBN received a fax from Applicant on March 18, 2016, representing herself as an RN with her signature and included a position description, with duties that include care planning and education.
7. A modified job description was received stating she was taking calls while physically present at Overland Park, Kansas office for Missouri patients and employees. Per her employer, these activities were discontinued on March 25, 2016.
8. By letter dated March 31, 2016, the Board request that Applicant complete 2 hours of CNE and pay the unlicensed practice fine.
9. The Applicant did not respond to the Board's request.

APPLICABLE LAW

10. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106(c)(4) and K.S.A. 65-1120(a) to examine, license, renew or reinstate licenses and may limit, deny, suspend or revoke a license or authorization to practice nursing, and may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110.
11. The Kansas State Board of Nursing may deny a license as a registered nurse if the applicant is deficient in qualification, or in the quality of education, or if there are disqualifying factors under K.S.A. 65-1120 and amendments thereto. K.S.A. 65-1115 (a) & (b) & (c)(1).
12. Among the disqualifying factors enumerated in K.S.A. 65-1120 is to have a license to practice nursing denied, revoked, limited or suspended, or otherwise disciplined by another state.
13. The Board may deny any license or authorization to practice if Applicant is guilty of unprofessional conduct as defined by rules or regulations of the Board, namely K.A.R. 60-3-110(v) for practicing without a license or while the license has lapsed.
14. The Board may deny any license or authorization to practice if applicant has willfully or repeatedly violated the provisions of the nurse practice act, namely to practice or use any title, abbreviation, or similar to indicate that the person is a registered professional nurse or practice

professional nursing in Kansas when they are not licensed to practice in Kansas. K.S.A. 65-1113(d); 65-1114(a).

CONCLUSIONS OF LAW


15. The Board has jurisdiction over the Applicant and the subject matter of this action, and such proceeding is held in the public interest.

16. The Board finds that the above facts support numerous disqualifying factors under K.S.A. 65-1120 and the Applicant has not met the requirements for approval of her license.

17. Based on the facts and circumstances set forth, the use of summary proceedings in this matter is appropriate, in accordance with the provisions set forth in K.S.A. 77-537(a), in that the use of summary proceedings does not violate any provision of the law and the protection of the public interest does not require the Board give notice and opportunity to participate to persons other than Applicant.

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

- 1. Applicant's endorsement application is denied.**
- 2. Licensee shall not practice nursing in the state of Kansas.**


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

NOTICE OF RIGHTS

Pursuant to K.S.A. 77-537, this Summary Order shall become effective as a Final Order, without further notice, if no hearing is requested within fifteen (15) days of service. 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. 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.

CERTIFICATE OF SERVICE

I certify that on the 20th day of June, 2016, 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:

Amberly Garrison-Kirkwood
14010 Robinson #608
Overland Park, KS 66223



Michelle David # 26982
Special Assistant Attorney General