

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

JAN 31 2017

KSBN

IN THE MATTER OF KRISTI L. PRESSLER

**EFFECTIVE AS A
FINAL ORDER**

**License No. Endorsement Application
Case No. 15-1310-0**

DATE: February 20, 2017

SUMMARY ORDER

Now on this 31st day of January, 2017, 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, Kristi Pressler, 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 5607 South 2nd St., St. Joseph, MO 64504.
2. Applicant submitted an application to be endorsed as an LPN in Kansas on July 9, 2015.
3. Applicant's original state of licensing is Missouri.
4. Applicant answered "no" on application to "Has any license, certification or registration (nursing or other) ever been denied, revoked, suspended, or limited or disciplinary action taken by a licensing authority of any state, agency of the US government, territory of the US or country?"
5. On April 27, 2010, Applicant was "Publicly Censured" by the Missouri Board of Nursing by way of a settlement agreement between the parties.
6. Applicant stipulated to the following facts in the Agreement:
 - "3. Licensee was employed with Caregivers, a home health agency in St. Joseph, Missouri, at all times relevant herein.
 4. Licensee was assigned to care for five year old twins diagnosed with Cerebral Palsy.

5. *On one occasion, Licensee administered a Prevacid to the patient' ten year old sister when she complained of a stomach ache.*
6. *On another occasion, Licensee provided the mother of the patients with a portion of her own prescription for antibiotics when she complained repeatedly of a kidney infection and stated she did not have enough money to see her doctor.*
7. *Licensee's conduct, described herein, constitutes misconduct in the performance of the functions and duties of a nurse."*
7. On March 21, 2012, Applicant was convicted with Property Damage 2nd Degree, Misdemeanor B, RSMo §569.120 in the 5th Judicial Circuit, Buchanan, Missouri.
8. The Investigative Committee of the Board reviewed Applicant's history and decided to approve Applicant for licensing if she agrees to and completes "three to six (3-6) hours on the Legal Aspect of Nursing and two (2) hours of CNE on the Kansas Nurse Practice Act."
9. On or about September 10, 2015, the Kansas State Board of Nursing sent a letter to Applicant requesting she complete the additional CNE and providing further details.
10. The letter further stated that Applicant would have 30 days to complete the CNEs and mail them to the Board. The 30 days would start from the date the written statement agreeing to complete the CNEs was received by the Board.
11. On or about September 15, 2015, Applicant sent a letter to the Board stating, "I have no problem the 3-6 hours and then also the 2 hours of CNE."
12. Applicant did not submit the additional CNEs to the Board within 30 days.
13. To date, Applicant has not submitted the additional CNE to the Board.

APPLICABLE LAW

14. 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.

15. 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).

16. The Board may deny any license or authorization to practice if applicant has willfully or repeatedly violated the provisions of the nurse practice act. K.S.A. 65-1115.

DISQUALIFYING FACTORS

17. 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.

18. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(d) to be guilty of unprofessional conduct by inaccurately recording, falsifying, or altering any record of a patient or agency or of the board;

19. 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 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.

20. K.S.A. 65-1120(a)(6) and K.A.R. 60-3-110(u) to be guilty of unprofessional conduct by failing to furnish the board, its investigators, or its representatives with any information legally requested by the board.

21. K.S.A. 65-1120(a)(3) to have committed an act of professional incompetency as defined in subsection (e)(3) as a pattern of practice or other behavior which demonstrates a manifest incapacity or incompetence to practice nursing.

CONCLUSIONS OF LAW

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

23. The Board adopts the above facts and finds that Applicant violated the nurse practice act the above disqualifying factors have been established.

24. Applicant has numerous disqualifying factors under K.S.A. 65-1120 and therefore Applicant has not met the requirements for approval of her license.

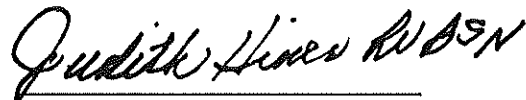
25. Applicant willfully violated of the Kansas Nurse Practice act.

26. 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.

27. The presiding officer whose signature appears below has been designated by the Board pursuant to K.S.A. 77-514 to act on behalf of the Board to act as a hearing officer and to execute orders, including summary orders.

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

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



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

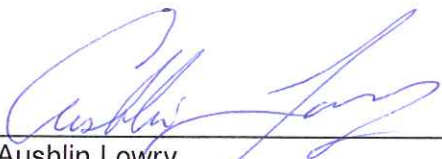
NOTICE OF RIGHTS

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 31ST day of January, 2017, the foregoing copy of the Summary Order was severed by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Kristi L. Pressler
5607 South 2nd St.
St. Joseph, MO 64504



Aushlin Lowry
Senior Administrative Assistant
Kansas State Board of Nursing

NOTICE

PLEASE TAKE NOTICE that this is a Final Order. A party to an agency proceeding may seek judicial review of a Final Order by filing a petition in the District Court as authorized by K.S.A. 77-601, *et seq.* A petition must be filed within 30 days following service of the Final Order. A copy of any petition for judicial review must be served upon Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612.

CERTIFICATE OF SERVICE

I certify that on the 22nd day of February, 2017, the foregoing copy of the Summary Order, now a Final Order was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Kristi L. Pressler
5607 South 2nd St.
St. Joseph, MO 64504



Michelle David # 26982
Special Assistant Attorney General