

**BEFORE THE KANSAS STATE BOARD OF NURSING**

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

**FILED**

**DEC 18 2009**

**IN THE MATTER OF  
ARMINORA P. SULIT  
License No. 14-71304-112**

**KSBN**

**Case No. 07-374-7**

**SUMMARY ORDER**

Now this 16<sup>th</sup> day of December 2009, 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 proposes to find facts and take disciplinary action against the registered nurse reinstatement application of Arminora P. Sulit (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

**FINDINGS OF FACT**

1. Applicant was previously licensed to practice nursing in the state of Kansas. Applicant's license to practice nursing in the state of Kansas as a registered nurse lapsed on or about November 30, 2008. Applicant submitted an application for reinstatement of Applicant's license to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant's address of record is 219 W 97th Street, Kansas City, MO 64114.
3. On or about 12/31/2008, the Board received Applicant's application for reinstatement of Applicant's license to practice nursing in the state of Kansas.
4. Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
  - a. On or about the 6<sup>th</sup> day of March 2007, Applicant examined a 96-year-old resident at Villa Saint Joseph/Overland Park who complained of a painful, discolored toe and refused ambulation. Without consulting a physician, Applicant directed that the resident be given Lortab, which had been prescribed for him following a tooth extraction, for "gout."
  - b. Applicant states that the resident's daughter instructed her that the problem was gout and the resident should be given the Lortab.
  - c. Applicant failed to note her observations and action on the resident's chart.
  - d. Applicant examined the resident and took the same action each day until, on or about the 9<sup>th</sup> day of March, another nurse noted the left foot and toes were purple to black in color and the lower leg cold to the touch with no pedal pulse.
  - e. The resident was transferred to Saint Joseph Medical Center and admitted, via the emergency room, with a diagnosis of severe left leg ischemia.
  - f. Despite immediate surgical intervention, the resident's left leg was amputated above the knee on the March 15, 2007.
  - g. Following this incident, Applicant was suspended from her employment and subsequently resigned.
  - h. On a previous evaluation, she had been told she needed to work on documentation, especially for Medicare patients.

- i. On the reinstatement application, Applicant stated the reason from termination of her employment was "change."
- j. On the same application, dated December 2, 2008, Applicant stated the reason for termination of her employment with Brighton Gardens was "retired." According to the employer, she was suspended then terminated due to giving orders contrary to physician orders, practice beyond the scope of her license, violating federal and state regulations, and resident abuse. This action following her directing at the beginning of her shift that a CMA give PRN ("as needed") medications to all residents during the regular evening medication pass. Applicant states that she was joking.
- k. On the same application, Applicant stated the reason for termination of her employment with Johnson County Nursing Home was "written up x 3." According to the employer, Applicant resigned after receiving two "performance concerns" involving failure and/or refusal to provide treatment ordered for residents.

### CONCLUSIONS OF LAW


1. The Kansas State Board of Nursing has jurisdiction of the Applicant and the subject matter of this action.
2. The Board 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 this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization upon making any of the findings enumerated in K.S.A. 65-1120(a).
3. The above facts establish the following findings:
  - a. 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;
  - b. K.S.A. 65-1120(a)(3), Professional Incompetency by K.S.A. 65-1120(e)(1), one or more instances involving failure to adhere to the applicable standard of care to a degree which constitutes gross negligence, as determined by the board;
  - c. 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;
  - d. K.S.A. 65-1120(a)(6). Applicant is guilty of unprofessional conduct, as defined by K.A.R. 60-3-110(c), in failing to take appropriate action or to follow policies and procedures in the practice situation designed to safeguard each patient;
  - e. K.S.A. 65-1120(a)(6), unprofessional conduct, as defined by K.A.R. 60-3-110(a), to wit: Performing acts beyond the authorized scope of the level of nursing for which the individual is licensed;
  - f. K.S.A. 65-1120(a)(6), unprofessional conduct, as defined by K.A.R. 60-3-110(d), inaccurately recording, falsifying, or altering any record of a patient or agency or of the board.
4. Applicant's conduct described herein violates the Kansas Nurse Practice Act.

5. K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if the use of summary proceedings does not violate any provision of law and the protection of the public interest does not require the state agency to give notice and an opportunity to participate to persons other than the parties.
6. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.
7. Applicant's application for licensure should be denied.

**IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT Applicant's reinstatement application to practice nursing in the state of Kansas is denied.**

Pursuant to K.S.A. 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, 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.

  
LPN  
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Janet Jacobs  
Investigative Committee, Chair  
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 18<sup>th</sup> day of December, 2009, the foregoing copy of the Summary Order was served by deposit of the same in the United States Mail, first-class postage prepaid, addressed to the following:

Arminora P. Sulit  
219 W 97th Street  
Kansas City, MO 64114

  
  
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Brenda J. Clary, #18770  
Assistant Attorney General