

FILED

JUN 30 2009

KSBN

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
SARAH MAXWELL
License No.**

Case No. 09-014-0

SUMMARY ORDER

Now this 27th day of June, 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 endorsement application of Sarah Maxwell (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. (a) Applicant submitted an endorsement application to practice nursing in the state of Kansas. The Board has jurisdiction over the Applicant and the subject matter of this action.
- (b) Applicant's address of record is 2019 N. York St., Independence, Missouri 64058.
- (c) On or about 12/31/2008, the Board received Applicant's endorsement application to practice nursing in the state of Kansas.
- (d) Review of the Application and other information gathered by the Board revealed the following information upon which this action is based.
- (e) Applicant answered "no" to the question on the application "has any license, certification or registration, (nursing or other) ever been denied, revoked..." A certified copy of the applicant's Missouri State Driving Record showed; a suspension of driver's license on 1/26/06, an administrative suspension of driver's license on 11/9/05, and excess blood alcohol content conviction on 12/22/05. Applicant also had two convictions for minor in possession of alcohol at age 15 and 18 in Missouri.
- (f) Due to Applicant's failure to report her criminal history the Kansas Board of Nursing (KSBN) referred the Applicant to the Kansas Nurse Assistance Program for a chemical dependency and mental health evaluation on or about 2/5/09. The Applicant contacted KNAP but failed to complete the evaluations or to return the release of information forms to KNAP. Applicant told KNAP she intended to withdraw her application for a nursing license in Kansas. Applicant has not contacted the Board with such a request. Applicant's KNAP case was closed on 5/12/09. Applicant was referred back to the Board and the Board recommended summary denial of her endorsement application.

CONCLUSIONS OF LAW

2. 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 this act or may publicly or privately censure a licensee or holder of a certificate of qualification or authorization, if the applicant, licensee or holder of a certificate of qualification or authorization is found to have violated the Nurse Practice Act. The above fact findings establish evidence that the applicant violated the following provisions of the Nurse Practice Act:

(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)(2) "to have been guilty of a felony or to have been guilty of a misdemeanor involving an illegal drug offense unless the applicant or licensee establishes sufficient rehabilitation to warrant the public trust..."

3. Applicant's conduct described herein violates the Kansas Nurse Practice Act.

4. 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.

5. The role of the Kansas State Board of Nursing is to protect citizens of Kansas.

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

1. Applicant's endorsement 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.



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

CERTIFICATE OF SERVICE

I certify that on the 20th day of June, 2009, 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:

Sarah Maxwell
2019 N. York St.
Independence, Missouri 64058



Alma A. Heckler, #11555
Assistant Attorney General