

FILED

BEFORE THE KANSAS STATE BOARD OF NURSING

JUL 2 2009

KSBN

IN THE MATTER OF
Shaleese E. Rockett
License No. Applicant

Case No. 08 734 0
OAH No. 09BN0072

INITIAL ORDER

This matter comes on for hearing on May 14, 2009 before the Kansas State Board of Nursing. Sandra L. Sharon is duly appointed as Presiding Officer pursuant to K.S.A. 77-514. The Petitioner, the Kansas State Board of Nursing (Board), appears by Assistant Attorney General, Mark A. Knight, Disciplinary Counsel for the Board. The Respondent, Shaleese Rockett, appears in person.

Findings of Fact

1. On or about July 17, 2008, the Board received an endorsement application for licensure to practice nursing in the State of Kansas from the respondent.
2. On the application, the respondent answered "yes" to the question regarding whether she had been convicted of a felony.
3. The respondent was convicted of conspiracy to commit aggravated robbery in September 2004.
4. The respondent was placed on five year probation on January 23, 2007. Said probation is scheduled to be complete in 2011.
5. The Board denied the respondent's application to practice nursing in the State of Kansas on the basis that the respondent's conviction prevents her from practicing nursing pursuant to the Kansas Nurse Practice Act.

Conclusions of Law

1. The Board has the authority to deny, revoke, limit, or suspend a license to practice nursing in the State of Kansas. Kansas Statutes Annotated (K.S.A.) 65-1120.
2. Specifically, no license shall be granted to a person found guilty of a felony conviction for a crime against persons. K.S.A. 65-1120(a)(2).

Conclusion

1. The respondent has been found guilty of conspiracy to commit aggravated robbery. This is a crime against persons. The statute is clear, no license shall be issued to applicants with a felony conviction of crimes against persons. Ms. Rockett's application for a license to practice nursing in the State of Kansas was properly denied.
2. Cost of this action shall be assessed against the respondent in the amount of \$70.00 pursuant to K.S.A. 65-1120(d).

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-527, either party may request a review of this initial order by filing a petition for review with the Kansas State Board of Nursing. A petition for review must be filed within 15 days from the date this initial order was served. Failure to timely request a review by the Kansas State Board of Nursing may preclude further judicial review. The petition for review shall be mailed or personally delivered to: Mary Blubaugh, Executive Director, Board of Nursing, Landon State Office Building, Suite 1051, 900 SW Jackson, Topeka, KS 66612-1230.

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

Pursuant to K.S.A. 77-530, if a request for review is not made in the time and manner stated above, this initial order shall become effective as a final order 30 days after service.

OFFICE OF ADMINISTRATIVE HEARINGS



Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings

CERTIFICATE OF SERVICE

On July 2, 2009, I mailed a copy of this document to:

Shaleese E. Rockett
8100 E. 80th, Apt. #6
Kansas City, MO 64138

Mary Blubaugh, Executive Director
Mark A. Knight, Assistant Attorney General
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612



Staff Person
Office of Administrative Hearings