

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAY 6 2010

KSBN

**IN THE MATTER OF
The Application of
SUSAN J. DADDIO.**

Case No. 09-1095-0

SUMMARY ORDER

Now this 7th day of April 2010, 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 deny the licensed practical nurse endorsement application of Susan J. Daddio (Applicant) by way of Summary Order as provided by K.S.A. 77-537 and 77-531(a)(2)(A).

FINDINGS OF FACT

1. On or about October 22, 2009, the Board received Applicant's application for endorsement to practice nursing in the state of Kansas.
2. Applicant's address of record is 736 Tennyson St., Denver, Colorado 80204.
3. Applicant attended Hartwick College, Oneonta, New York, from September 1984 until March 1988, when she withdrew because of illness and did not return to complete the BSN program.
4. Applicant's application shows "03/1988" as a graduation date.
5. Applicant subsequently passed a licensing examination and was licensed as a practical nurse in New York.
6. Applicant is licensed in the states of New York, Colorado, California, Florida, Hawaii, and Indiana.
7. Applicant was denied a license in the state of Louisiana. The order states the license was denied because the nursing program Applicant attended was not an approved practical nursing program. The order further states that the applicant must attend and graduate from an approved program.
8. Question 14 of the endorsement application asks if Applicant has had any license, certification or registration denied by the licensing authority. Applicant marked "yes" and noted, "Louisiana chose not to license me due to schooling."
9. By showing "03/1988" as a graduation date, Applicant misrepresented her educational status. Applicant's explanation that her application for a license in Louisiana was denied "due to schooling," supports the conclusion that Applicant intended to create the false impression that she had graduated but from a program that was not approved by the Louisiana licensing authority.

CONCLUSIONS OF LAW

10. "The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or approval of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or approval of professional and practical nursing and mental health technician programs, as hereinafter provided." K.S.A. 74-1106(c)(4).

11. 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 listed under K.S.A. 65-1120(a).

12. The Board has jurisdiction over the Applicant and the subject matter of this action.

13. An applicant for a license to practice as a licensed practical nurse shall "have graduated from an approved school of practical nursing or professional nursing in the United States or its territories or from a school of practical nursing or professional nursing in a foreign country which is approved by the board as defined in rules and regulations." K.S.A. 65-1116(a)(2).

14. Applicant did not graduate from any nursing program and therefore does not meet the minimum qualifications to be considered for a license.

15. In addition, the Board may deny Applicant's application pursuant to K.S.A. 65-1120(a)(6), for 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, as a result of her misrepresentation of educational background on the application.

16. K.S.A. 77-537 and 77-511(a)(2)(A) of the Kansas Administrative Procedure Act authorize the use of summary proceedings by a state agency to rule on an application if the use of summary proceedings does not violate any provision of law, 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, and the state agency believes in good faith, after investigation of the facts, that the allegations will be supported to the applicable standard of proof.



17. The role of the Kansas State Board of Nursing is to protect citizens of Kansas, and the proposed action furthers that purpose.

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

Notice of Right to Hearing: 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 7th day of May 2010, a true and correct copy of the foregoing Summary Order was deposited in the United States Mail, first-class postage prepaid, addressed to the following:

Susan J. Daddio
736 Tennyson St.
Denver, CO 80204



Brenda J. Clary
Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that on the 30th day of June, 2010, 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:

Susan J. Daddio
736 Tennyson St.
Denver, CO 80204



Alma A. Heckler, #11555
Assistant Attorney General