

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

MAY 6 2010

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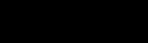
**IN THE MATTER OF
MABLE A. MADDEN
License No.**

Case No. 09-1242-0

SUMMARY ORDER

Now this 7th day of May, 2010, the above matter comes before the Kansas State Board of Nursing (Board) pursuant to authority granted to the Board by K.S.A. K.S.A. 74-1106(c)(4) and 65-1120. The Board hereby proposes to find facts and deny the licensed practical nurse endorsement application of Mable A. Madden (Applicant) by way of Summary Order as provided by K.S.A. 77-537.

FINDINGS OF FACT

1. On or about November 3, 2009, the Board received Applicant's application for endorsement to practice nursing in the state of Kansas.
2. Applicant's address of record is 1735 NW Lyman Rd lot 84 , Topeka, KS 66608.
3. On her application, Applicant disclosed a conviction of driving while under the influence of alcohol.
4. Court records reflect that Applicant was charged with having committed the offense on April 9, 2009, and convicted in May 2009 in Platte County, MO.
5. Following investigation and prior to issuing a license, the Board referred Applicant to the Kansas Nurse Assistance Program, the impaired provider program of the Board, for substance abuse evaluation and monitoring if indicated.
6. On or about February 2, 2010, KNAP mailed Applicant a three-year contract. 

7. On or about February 24, 2010, KNAP closed Applicant's case because she had not returned the contract or responded to telephone messages.

CONCLUSIONS OF LAW

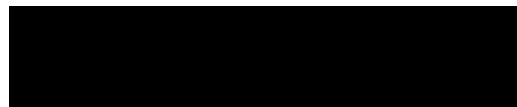
8. The Board may deny, revoke, limit or suspend any license, certificate of qualification or authorization to practice nursing as a registered professional nurse, as a licensed practical nurse, as an advanced registered nurse practitioner or as a registered nurse anesthetist that is issued by the board 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).

9. The Board has jurisdiction over the Licensee and the subject matter of this action.
10. The Board may deny Applicant's application for endorsement to practice nursing in the state of Kansas on the ground of K.S.A. 65-1120(a)(4), to be unable to practice with skill and safety due to current abuse of drugs or alcohol, based on the DUI conviction and KNAP's tender of a three-year monitoring agreement.
11. The Board may deny Applicant's application for endorsement to practice nursing in the state of Kansas on the ground of K.S.A. 65-1120(a)(6), unprofessional conduct as defined by K.A.R. 60-3-110(s), failing to complete the requirements of the impaired provider program of the board.
12. K.S.A. 77-511(a)(2)(A) and 77-537 of the Kansas Administrative Procedure Act authorize the use of summary proceedings by a state agency 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.
13. 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 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:

Mable A. Madden
1735 NW Lyman Rd lot 84
Topeka, KS 66608



Alma A. Heckler, #11555
Assistant Attorney General