

BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF SUSANN MICHELLE NALLY

License No. 23-30870-011

Case No. 13-1089-6

14BNO114

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PROPOSED DEFAULT ORDER TO REVOKING LICENSE

NOW ON THIS 3rd day of October, 2014, petitioner, the Kansas State Board of Nursing, appears by disciplinary counsel, Michael R. Fitzgibbons, Assistant Attorney General, for a Hearing on the Petition. Respondent does not appear.

Wherefore, the Presiding Officer finds as follows:

1. Respondent is licensed to practice nursing in Kansas. The Kansas State Board of Nursing has jurisdiction over the Respondent and the subject matter of this action.
2. Respondent was sent a copy of the petition and notice of this hearing to respondent's last known address and service is proper. Respondent does not appear.
3. Petitioner moves for issuance of a proposed default order revoking respondent's license. The petitioner's request is granted by default pursuant to K.S.A. 77-520.
4. The petition is hereby granted and incorporated into this order as if set forth herein. Respondent violated the Nurse Practice Act as alleged in the petition.
5. Per Petitioner's request, Respondent's license to practice nursing in the State of Kansas is revoked.
6. Cost of the action of \$70 are assessed to respondent to be paid to the board by cash or money order within 30 days of the effective date of this order.
7. This Proposed Default Order shall become effective seven days after service or ten days after mailing of this order unless the Respondent files a written motion with the Board stating why the Proposed Default Order should be vacated and the order is then vacated.

8. If this Proposed Default Order becomes effective, the Respondent's request for administrative hearing is dismissed pursuant to K.S.A. 77-520(d).
9. Disciplinary counsel shall mail a copy of this proposed default order to respondent's last known address.

IT IS SO ORDERED.



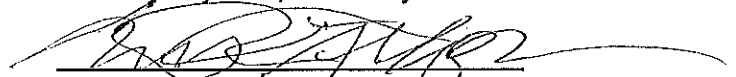
Sandra Sharon, Presiding Officer
Office of Administrative Hearings
1020 S Kansas Ave.
Topeka, KS 66612-1327

NOTICE

Pursuant to K.S.A. 77-527, either party may request a review of this order by filing a petition for review with the Kansas State Board of Nursing. The petition for review shall state its basis. A petition for review must be filed within 7 days from the date this order becomes effective. 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: State Board of Nursing - Legal Division, Landon State Office Building, 900 SW Jackson, Ste 1051, Topeka, KS 66612-1230.

Pursuant to K.S.A. 77-530, if neither party requests a review by the Kansas State Board of Nursing, then this initial order becomes final and binding on both parties on the 30th day following its service.

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.

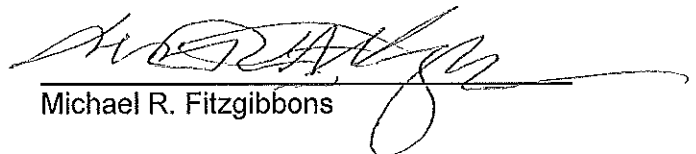


Michael R. Fitzgibbons, #12287
Disciplinary Counsel
Kansas State Board of Nursing
900 S.W. Jackson, Suite #1051
Topeka, KS 66612-1230
785-296-4325

CERTIFICATE OF SERVICE

I certify that on the 7th day of October, 2014, the foregoing copy of the PROPOSED DEFAULT ORDER REVOKING LICENSE was served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Susann Michelle Nally
1011 Forrest Glenn Drive
Arkansas City, KS 67005-4125



Michael R. Fitzgibbons

AUG 05 2014

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BEFORE THE KANSAS STATE BOARD OF NURSING

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

IN THE MATTER OF SUSANN MICHELLE NALLY**License No. 23-30870-011****Case No. 13-1089-6****MOTION TO SHOW CAUSE**

COMES NOW the Petitioner, the Kansas State Board of Nursing, by and through the Assistant Attorney General assigned to the Board, Michael R. Fitzgibbons, and moves the Board for a review of Respondents discipline file in Case No. 13-1089-6. Respondent's address of record is 1011 Forrest Glen Drive, Arkansas City Kansas 67005-4125. Respondent entered an Initial Agreed Order (Agreement) with the Board on or about March 24th, 2014 and admitted the Board had the evidence to prove the following:

- (a) According to a report, it is alleged that while you were employed by South Central Regional Medical Center Arkansas City, Kansas, licensee was referred to KNAP by hospital employer on 23rd day of October, 2012.
- (b) Evaluation was completed and KNAP case was closed as No Diagonis and no monitoring required on the 12th day of November, 2012.
- (c) Lincesee was convicted of two (2) counts of failure to appear on or about the 15th day of January, 2013, which she failed to report to the KSBN within 30 days of the conviction as required.
- (d) Licensee was convicted of two (2) count misdemeanor failure to appear on or about the 19th day of March, 2013 which licensee failed to report to the KSBN within 30 days of the conviction as required.
- (e) Licensee was terminated from Medicalodges of Arkansas City, Kansas on or about the 5th day of June, 2013 for reporting to work intoxicated.

- (f) Licensee left inpatient treatment on or about the 30th of June, 2013 and returned on or about the 5th day of July, 2013 in a intoxicated state.
- (g) Licensee was approved for re-entry into KNAP on or about the 8th day of July, 2013.
- (h) Licensee failed to follow through with the requirements of KNAP.
- (i) KNAP case was closed on or about the 13th day of August, 2013.
- (j) Licensee was contacted about these allegations on the 24th day of September 2013 and failed to respond.
- (k) Licensee entered into a Initial Order with the Board on the 24th day of March, 2014 and had agreed to re enter the KNAP program.
- (l) On the 20th day of May, 2014, Licensee failed to enter the program and her KNAP case was closed for non compliance.

VIOLATIONS

The above incidents are violations of the nurse practice act. The Respondent agrees that the board is prepared to prove that respondent has violated:

Count 1: K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs or alcohol.

Count 2: K.S.A. 65-1120 (3) to be guilty of unprofessional conduct failing to furnish the board, its investigators, or its representative with any information legally requested by the board KAR 60-3-110 (t).

Count 3: K.S.A. 65-1120(a)(7), willfully and repeatedly violation provisions of the Kansas Nurse Practice Act by failing to complete the requirements of impaired provider program KAR 60-3-110(s).

Respondent has failed to meet the terms and requirements of the Agreement as follows:

- ☒ To enroll in the Kansas Nurse Assistance Program (KNAP) in 30 days.
- ☒ Respondent has been non-compliant with KNAP.
- ☒ KNAP case has been closed by KNAP unsuccessfully.
- ☒ Respondent committed other violations of the Kansas Nurse Practice Act.
- ☐ To inform employers of Final Order and Consent Agreement or Initial Agreed Order.
- ☐ To inform employers of KNAP participation.
- ☒ To provide performance quarterly reports to the Board, completed by the employer.
- ☐ To timely report change of employment and address information.
- ☐ Timely complete CNE required by the Order and to submit documentation of completion.
- ☐ To timely report any new misdemeanor or felony convictions to the Board.
- ☐ To practice within the limitations as set out in the Final Order and Consent Agreement or Initial Agreed Order dated April 4th, 2013.
- ☐ Other _____.

By failing to comply with the terms of the Initial Agreed Order, dated April 4th, 2013, the Respondent has violated the Kansas Nurse Practice Act and the Board requests a finding that the Respondent has committed the following additional violations of the Kansas Nurse Practice Act:

- ☒ K.S.A. 65-1120(a)(6), unprofessional conduct, by failing to complete the requirements of the impaired provider program of the board [K.A.R. 30-3-110 (s)].
- ☒ K.S.A. 65-1120(a)(6), failing to comply with any disciplinary order of the board [K.A.R. 30-3-110 (r)].

☒ K.S.A. 65-1120(a)(4) unable to practice with skill and safety due to current abuse of drugs and/or alcohol.

☒ Respondent should show cause as to why the stay in this matter should not be lifted for six months (first finding of violation of the Final Order and Consent Agreement or Initial Agreed Order).

☐ Respondent should show cause as to why the stay in this matter should not be lifted for one year (second finding of a violation of the Final Order and Consent Agreement or Initial Agreed Order).

☐ Respondent should show cause as to why the Respondent's license should not be revoked or other action should not be taken.

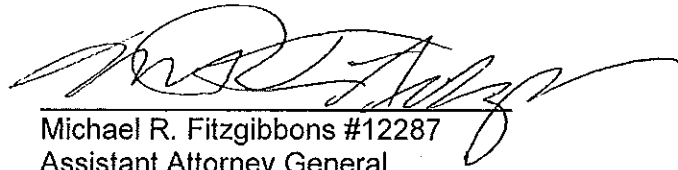
Petitioner requests that costs of this action be assessed to the respondent in at least the amount of \$70.00.

NOTICE REGARDING FAILURE TO ATTEND OR PARTICIPATE

If Respondent fails to appear at said hearing and defend, the Board may request to proceed to have the presiding officer hear the evidence against the Respondent and enter such order as authorized by law and justified by the evidence. If Respondent fails to attend or participate in the hearing, Respondent may be held in default under K.S.A. 77-520 and a proposed default order may be issued by the administrative law judge/presiding officer.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General



Michael R. Fitzgibbons #12287
Assistant Attorney General
Kansas State Board of Nursing
Landon State Office Building
900 SW Jackson #1051
Topeka, KS 66612

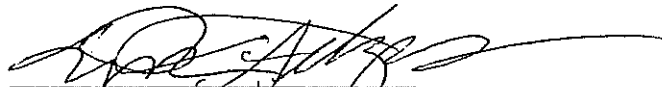
CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion was served by depositing same in the United States Mail, first class postage prepaid, on this 5th day of August, 2014 to:

Susann Michelle Nally
1011 Forrest Glenn Drive
Arkansas City, KS 67005-4125

On the 5th day of August, 2014, a copy of the foregoing Motion was served by depositing same in building mail to:

Sandra L. Sharon
Presiding Officer
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, Kansas 66612-1327



Michael R. Fitzgibbons #12287
Assistant Attorney General