

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

SEP 19 2016

KSBN

IN THE MATTER OF

Janice Lynn Radford

OAH No. 16BN0020

License No. 23-43984-072

Case No. 14-2309-9

NOTICE OF PROPOSED DEFAULT ORDER
AND
PROPOSED DEFAULT ORDER

This matter comes on for consideration by the presiding Administrative Law Judge (ALJ) to enter a Proposed Default Order against respondent, Janice Lynn Radford.

Wherefore, the presiding ALJ finds as follows:

1. The respondent is licensed to practice nursing in Kansas.
2. The Petitioner, the Kansas State Board of Nursing Board (Board), has jurisdiction over the respondent and the subject matter of this action.
3. On August 5, 2015, a Petition was filed by the Board seeking revocation of the respondent's nursing license. It was sent to her at her last known address and was not returned as undeliverable.
4. On May 26, 2016, a Prehearing Order was sent to the respondent. The prehearing order set a formal hearing on this matter to be held on September 15, 2016 at 1:30 p.m. The prehearing order was not returned as undeliverable.
5. On September 15, 2016, a hearing was convened. The Board appeared by disciplinary counsel, Bryce D. Benedict. The respondent did not appear.
6. Pursuant to Kansas Statutes Annotated (K.S.A.) 77-520(a), "[i]f a party fails to attend or participate in a prehearing conference, hearing or other

stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order.”

7. The respondent is in default pursuant to K.S.A. 77-520.
8. This Proposed Default Order shall become effective and deemed an initial order, seven days after service or ten days after mailing of this order unless the respondent files a written motion stating why the Proposed Default Order should be vacated and the order is then vacated. A motion to vacate shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka KS 66612-1230, with a copy to be mailed or personally delivered to: Sandra L. Sharon, Administrative Law Judge, Office of Administrative Hearings, 1020 S. Kansas Ave., Topeka, KS 66612-1327.
9. If this Proposed Default Order becomes effective, the allegations contained in the Petition will be deemed uncontroverted and the Petition will be granted and incorporated into this order as if fully set forth herein. The respondent’s license to practice nursing will be revoked. The respondent will immediately forward his or her original Kansas nursing license to the Board.
10. In addition, costs of the action in the amount of \$100.00 will be assessed to the respondent to be paid to the Board by cashier’s check or money order within 30 days of the effective date of this order.

The presiding ALJ, being well and duly advised in the premises, now enters this Proposed Default Order against the respondent. It shall take effect as specified in the above findings.

IT IS SO ORDERED.

Appeal Rights and Other Administrative Relief

Pursuant to K.S.A. 77-520, if the proposed default order becomes effective, it is deemed an initial order, as set forth above. Pursuant to K.S.A. 77-527, either party may request review of the initial order by filing a petition for review with the Kansas State Board of Nursing within 15 days from date the order is deemed an initial order. Failure to timely request review may preclude further judicial review. Petitions for review shall be mailed or personally delivered to: Kansas State Board of Nursing, Legal Division, Landon State Office Building, 900 SW Jackson, Ste. 1051, Topeka, KS 66612-1230.

If neither party requests review, the initial order becomes a final order and is binding on the 30th day following its mailing.

A party may seek judicial review of a final order by filing a petition for judicial review pursuant to K.S.A. 77-601, *et seq.* Reconsideration of a final order is not a prerequisite to judicial review. A copy of any petition for judicial review shall be served on Mary Blubaugh, Executive Administrator, Kansas State Board of Nursing, 900 SW Jackson, Suite 1051, Topeka, KS 66612-1230.



Sandra L. Sharon
Administrative Law Judge
Office of Administrative Hearings
1020 S. Kansas Ave.
Topeka, KS 66612-1327

CERTIFICATE OF SERVICE

On Sept. 16, 2016, I mailed this original document through State Building Mail to:

Mary Blubaugh
Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-4325

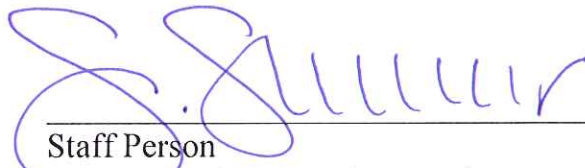
and a copy of this document through State Building Mail to:

Bryce D. Benedict
Assistant Attorney General
Disciplinary Counsel for the Kansas State Board of Nursing
900 SW Jackson, LSOB, Ste. 1051
Topeka, KS 66612
Telephone: 785-296-2512

And a copy of this document through first class mail to:

Janice Lynn Radford
119 E 3rd Street
Lawson, MO 64062

Janice Lynn Radford
113 Salem Road
Lawson, MO 64062



Staff Person
Office of Administrative Hearings

BEFORE THE KANSAS STATE BOARD OF NURSING

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

FILED

AUG 05 2015

IN THE MATTER OF JANICE LYNN RADFORD

KSBN

License No. 23-43984-072

Case No. 14-2309-9

PETITION

COMES NOW the petitioner, the Kansas State Board of Nursing, by and through Assistant Attorney General assigned to the Board, Michael R. Fitzgibbons, and for its cause of action states that:

1. Respondent, Janice Lynn Radford, is licensed to practice nursing in Kansas through July, 2016. The Board has jurisdiction over the respondent and the subject matter of this action.
2. Respondent's address of record is 119 E. 3rd Street Lawson, MO 64062.
3. After an investigation, the Board's investigative committee found reasonable grounds to believe that the respondent violated the Kansas Nurse Practice Act, K.S.A. 65-1120, and referred this matter for further proceedings.
4. The Kansas State Board of Nursing has the authority under K.S.A. 74-1106 et seq. to examine, license and renew license for duly qualified applicants and may limit, deny, suspend or revoke a license or authorization to practice nursing, may issue a public or private censure and levy administrative fines consistent with K.S.A. 74-1110, if a violation of K.S.A. 65-1120(a) is established.

FACTS COMMON TO ALL COUNTS

5. The facts below are common to all counts:
 - (a) According to the report, it is alleged that while licensee was employed at Washington County Hospital, Washington, Kansas, licensee falsified medical record on patients under her care.

- (b) Licensee was a night shift nurse assigned to care for patients.
- (c) Licensee documented that care was given to a patient.
- (d) Nursing staff members working with licensee reported that she did not go into patients room "all night, except for 0400 assessment".
- (e) Licensee documented care given to patient at 2345 and 0200.
- (f) Licensee reported "that's not how it happened."
- (g) This incident occurred on or about the 12th day of August 2014.
- (h) A letter was given to licensee by Risk Manager on the 23rd of October 2014, asking for written responses to be submitted by the 28th day of October 2014.
- (i) Licensee failed to respond to this request.
- (j) Licensee was further contacted by KSBN investigator on the 20th day of April 2015 and licensee failed to respond.

VIOLATIONS

6. Respondent has violated the Kansas Nurse Practice Act as follows:

Count 1: K.S.A. 65 1120(a)(1) unprofessional conduct by fraud or deceit in practicing nursing.

Count 2: K.S.A. 65-1120(a)(6), unprofessional conduct, by inaccurately recording, falsifying or altering documents.

Count 3: K.S.A. 65-1120(e)(1) to have committed an act of professional incompetency as defined in subsection (e) in one or more instances involving failure to adhere to the applicable standards of care to a degree which constitutes gross negligence, as determine by the board.

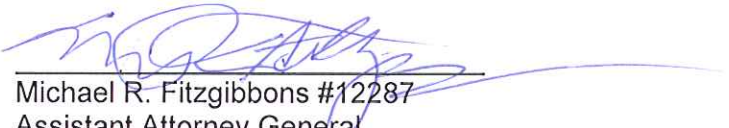
Count 4: K.S.A. 65-1120 (6) to be guilty of unprofessional conduct as defined as defined by rules and regulations of the board pursuant to KAR 60-3-110 (t) by failing to furnish the board, its investigators, or its representative with any information legally requested by the board.

WHEREFORE, petitioner requests a finding that the respondent has violated the Nurse Practice Act, that respondent's license to practice nursing in Kansas be revoked, and that costs of this action be assessed to the respondent in the amount of \$100.00.

Respectfully submitted,

Derek Schmidt
Kansas Attorney General

By:



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