

BEFORE THE KANSAS STATE BOARD OF NURSING

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

**IN THE MATTER OF
Victoria Mae Boucher**

**License No. 13-93770-081/Reinstatement
Case No. 2023-244-0, 2021-104-3**

SUMMARY ORDER

The above matter comes before the Kansas State Board of Nursing ("Board") pursuant to authority granted by K.S.A. 65-1120. The Board hereby proposes to find facts and take disciplinary action against Victoria Mae Boucher ("Applicant"), by way of Summary Order as provided by K.S.A. 77-537.

1. Applicant filed an application with the Board. The Board has jurisdiction over the Applicant and the subject matter of this action.
2. Applicant's address of record is 135 N. Elm, Osborne, KS 67473.
3. The role of the Board is to protect citizens of Kansas.
4. After an investigation, the Board's investigative committee chairperson found reasonable grounds to believe that Applicant failed to meet the requirements to practice as a nurse in Kansas and referred this matter for further proceedings.
5. Pursuant to K.S.A. 77-511(a)(2)(A) of the Kansas Administrative Procedure Act, the Board shall "approve or deny the application, in whole or part, on the basis of emergency or summary proceedings, if those proceedings are available under this act."
6. K.S.A. 77-537(a) of the Kansas Administrative Procedure Act authorizes the use of summary proceedings by a state agency if:

The use of those proceedings in the circumstances does not violate any provision of law; (2) 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; (3) based upon an investigation of the facts by the state agency, beyond receipt of the allegations, the state agency believes in good faith that the allegations will be supported to the applicable standard of proof...; and (4) the order does not take effect until after the time for requesting a hearing has expired.

7. Pursuant to K.S.A. 65-1120(a), the Board,

may deny, revoke, limit or suspend any license or authorization to practice nursing... that is issued by the board or applied for under this act, or may require the licensee to attend a specific number of hours of continuing education in addition to any hours the licensee may already be required to attend or may publicly or privately censure a licensee....”

if certain enumerated grounds are found. These grounds include various specific charges enumerated in K.S.A. 65-1120(a)(1) to (10), and unprofessional conduct, as defined by the rules and regulations of the Board.

FINDING OF FACTS

8. On or about February 10, 2022, Applicant was convicted of a Level 8, Person Felony for Mistreatment of Dependent Adult or Elder Person, a violation of K.S.A. 21-5417(a)(3), (b)(3).

VIOLATIONS

The above fact findings establish evidence that the Applicant violated the following provisions of the Kansas Nurse Practice Act and is not eligible for a license to practice nursing in Kansas:

Count 1: K.S.A. 65-1120(a)(2), “to have been guilty of a felony... no license or authorization to practice nursing as a licensed professional nurse, as a licensed practical nurse, as an advanced practice registered nurse or registered nurse anesthetist shall be granted to a person with a felony conviction for a crime against persons as specified in article 34 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 54 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 2022 Supp. 21-6104, 21-6325, 21-6326 or 21-6418, and amendments thereto.”

IT IS THEREFORE ORDERED BY THE KANSAS STATE BOARD OF NURSING THAT:

1. Applicant’s application is DENIED.
2. Applicant shall not practice nursing in the State of Kansas.

NOTICE OF ADMINISTRATIVE RELIEF

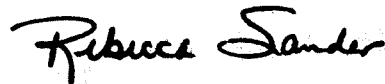
Pursuant to K.S.A. 77-537, this decision, which is called a Summary Order, is subject to your request for a hearing. If you desire a hearing, you must mail or hand-deliver a written request for hearing to: Kansas State Board of Nursing, Legal Division, 900 SW Jackson, Suite 1051, Topeka, Kansas 66612-1230, (785) 296-4325. Hand delivered requests for hearing must be delivered to the Kansas State Board of Nursing no later than 3:30 p.m. CST on or before the deadline for the request for hearing. **THIS REQUEST MUST BE SUBMITTED WITHIN FIFTEEN (15) DAYS FROM THE DATE OF THIS ORDER.** The date of this order shall be the date noted on the Certificate of Service. 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.

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. If a hearing is requested, the prior issuance of a summary order shall not affect the burden of proof.

NOTICE OF JUDICIAL RELIEF

If a request for hearing is not filed as stated above, then pursuant to K.S.A. 77-613 a party may file, within 30 days from the date of the Certificate of Service below, a petition for judicial review with the appropriate district court as provided in the Kansas Judicial Review Act, K.S.A. 601 et seq. The designee who may receive service of a petition for judicial review is:

Carol Moreland, Executive Administrator
Kansas State Board of Nursing
900 SW Jackson, Room 1051
Topeka, KS 66612

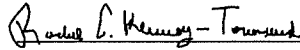


Rebecca Sander, MSN, RN
Investigative Committee Chair
Kansas State Board of Nursing

CERTIFICATE OF SERVICE

I certify that on the 30th day of August 2023, I caused the foregoing copy of the Summary Order to be served by depositing the same in the United States Mail, first-class postage prepaid, addressed to the following:

Victoria Boucher
135 N. Elm
Osborne, KS 67473



Rachel C. Kenney-Townsend
S. Ct. No. 28781
Assistant Attorney General